

## UNIFORM BILLS OF LADING

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1152) relating to the carriage of goods by sea, which was on page 14, line 25, to strike out "included" and insert "includes."

Mr. WHITE. Mr. President—

Mr. CLARK. I should like to know the character of that bill.

Mr. WHITE. I was about to move that the Senate concur in the House amendment. There is but one amendment, which merely proposes to correct a clerical error in the Senate bill. The Senate bill carried the word "included"; the House has changed that to the word "includes", making it the present tense instead of the past tense. That is the only change in the Senate bill.

Mr. CLARK. Will the Senator be good enough to explain what the bill proposes to do?

Mr. WHITE. It is the uniform bill of lading bill which passed the Senate and has now passed the House with only this one single change.

Mr. COPELAND. We had hearings in the committee on the bill.

Mr. CLARK. Very well.

Mr. WHITE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

## RECESS

Mr. ROBINSON. I move that the Senate take a recess.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess, to meet, sitting as a Court of Impeachment, tomorrow, Wednesday, April 8, 1936, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 7, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O divine Heart, be not silent; let Thy cry be heard in the wilderness. We walk with tears in the path of our Nation's sorrow. We appeal for something, our Father, that shall help us through the dark. Our land travails and groans with pain because of the overmeasured affliction which has come to our Southland. O God of mercy, trembling, bleeding, dying, help them to breast the gloom. Staggered, perplexed, and burdened, oh give them comfort. To all who are overwrought, driven to unspeakable conditions, and are in the way of pensive grief, Heavenly Father, stoop to their need and share their load. Wherever there falls a shadow on the human heart may rest be found through Him who hath loved us. May our whole country respond to the call of all humane agencies whose hearts and arms are open and common to all men. In the Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate insists upon its amendments to the bill (H. R. 11418) entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1937, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RUSSELL, Mr. HAYDEN, Mr. SMITH, Mr. KEYES, and Mr. McNARY to be the conferees on the part of the Senate.

## DEATH OF HIS MAJESTY KING GEORGE V OF ENGLAND

The SPEAKER laid before the House the following communication from the Department of State, which was read:

DEPARTMENT OF STATE,  
Washington, April 7, 1936.

The Honorable JOSEPH W. BYRNS,

Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: The engrossed resolution of sorrow of the House of Representatives upon the death of His Majesty King George V, which the President sent to me for transmission to the Government of Great Britain, was on February 13 sent to the American Charge d'Affaires at London for delivery to its high destination, and I now take pleasure in enclosing copy of a despatch which has been received from Mr. Atherton transmitting copy of a note received by him from the Secretary of State for Foreign Affairs requesting that the House of Representatives be informed of the deep appreciation of Mr. Eden and his colleagues of this token of sympathy in the profound sorrow which the death of His Majesty has brought to the British people.

His Britannic Majesty's Ambassador at Washington states in a note recently received from His Excellency that he has been commanded by His Majesty to express his deep appreciation of the very kind sympathy manifested by the President and the House of Representatives in the irreparable loss which His Majesty, the royal family, and the British people have sustained.

Sincerely yours,

CORDELL HULL.

## UNIFORM SYSTEM OF BANKRUPTCY THROUGHOUT THE UNITED STATES

Mr. MILLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6982) to amend section 80 of chapter 9 of an act to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the Senate amendment, as follows:

Page 4, line 8, strike out (b) and insert (d).

The Senate amendment was concurred in.

## TRIBUTE TO J. STERLING MORTON

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. STEFAN. Mr. Speaker, I wish to take this opportunity to tell my colleagues that at 10:30 a. m. tomorrow, Wednesday morning, we will plant a tree in a very prominent location in front of this historic Nation's Capitol in memory of the late J. Sterling Morton.

I wish at this time to invite every Member of the House to be present at that occasion in order that the tree-planting ceremony will be one fitting to the memory of a great man.

J. Sterling Morton was the founder of Arbor Day—a day which I feel should be declared a national holiday. He was a member of the Cabinet under President Cleveland. He was Secretary of Agriculture. He was a great farmer. He was a tiller of the soil. He was a planter of fine trees.

As early as the 4th of January 1872 he introduced a resolution in Nebraska that the 10th day of April be named as Arbor Day, and be consecrated and set aside for the planting of trees. That day is sacred in my State of Nebraska and every man, woman, and school child anticipates that day.

The idea has grown to Nation-wide importance and today many States celebrate Arbor Day. As a result great trees, orchards, parks, and forests can be traced as footprints left behind by this great planter.

So, on tomorrow, Mr. Speaker, we who represent the people of our beloved State in the United States Senate and the United States House of Representatives will gather together in front of this great Capitol Building and will plant a tree to the memory of our late and beloved J. Sterling Morton.

Because Arbor Day is as much a national idea now as it once was a Nebraska plan, I hope that as many as possible of the Congressmen from other States will participate in this ceremony.

It was first planned to plant a white oak tree in memory of J. Sterling Morton, but because of his love of the white pine, as suggested by his grandson, Sterling Morton, of Chi-



cago, we have secured a magnificent white pine tree. This tree came to Washington especially for this purpose from the beautiful arboretum at Lisle, Ill., built by the son of the late J. Sterling Morton.

So the bringing of this tree from the Morton arboretum in Illinois to Washington, D. C., links this ceremony closer to the history of the late J. Sterling Morton and his family.

Mr. Speaker, in order to complete this record and to make it possible for all Members to know something more about the late J. Sterling Morton, the father of Arbor Day, I have included in this address a brief sketch of his life—a history of his great service to our beloved country and a history of his service to all mankind.

Nebraska was distinguished in its early life, by which is meant the first settlement, by the high character of the young men who came to the new land in search of home and fortune and to assist in laying the foundations of social order and civilized government. The Indian still occupied the soil; he had parted with his title under treaty with the United States, but he was still here in the wild plentitude of his aboriginal character and habits. These young men in striking majority brought with them intellectual cultivation and social refinement. In the midst of the chaos which existed here in 1854 they did not forget to cherish the moral and religious elements as the main foundations for the superstructure which they were about to erect. There were representatives of families who fostered the best in their sons. Typical among these young men, J. Sterling Morton, the peer of all in manly strength and ambitions, and the one who, perhaps, was foremost in the rolling years in impressing his personality and influence upon the new community, was on the threshold of manhood life. He was a strong and original character. It may be said that he differed in a wide degree from others who were on the firing lines of leadership in the conquests that were to be made here, in many of his characteristics. His reputation for mental power, incorruptible integrity of conviction, clear-cut mentality, and moral courage in the maintenance of his views long since passed beyond the boundaries of the State, and even before he entered the Cabinet of President Cleveland his name was known the wide world over by his most important achievement, the invention and establishment of Arbor Day, which has won for him enduring fame.

J. Sterling Morton was a native of New York, having been born in Adams, Jefferson County, in that State, April 22, 1832. He was of distinctly New England stock, emanating from Yorkshire, England, on his paternal side and from Scotch-Irish blood on his mother's side. J. Sterling Morton was the first-born to Julius D. and Emeline Sterling Morton. After acquiring his primary education in the schools of Monroe, Mich., he entered the University of Michigan at Ann Arbor, graduating finally at Union College, Schenectady, N. Y., under its celebrated president, Dr. Eliphalet Nott. He was married to Miss Caroline Joy in the city of Detroit, October 30, 1854, and started with his bride on the same morning on which the ceremony took place for his future home in Nebraska.

Mr. Morton's first public service in the Territory was as a member of the lower house of the second legislative assembly. He represented Otoe County, having been elected in the fall of 1855. Mr. Morton's second election to the legislature was in 1857. This was distinguished in history as the "capital-moving legislature", which undertook to remove the seat of government from Omaha to Florence by the power of resolutions of the two legislative bodies.

Mr. Morton's field of usefulness was now to broaden, and he was first nominated for a Delegate to Congress at a Democratic convention that met at Omaha in September 1860. His opponent was Samuel G. Daily, of Peru. The official returns gave Mr. Morton 14 majority. Mr. Daily contested and won the seat by virtue of a Republican majority which controlled the lower House of Congress at the time.

On the admission of Nebraska as a State in 1867 he was nominated for Governor by the Democratic State convention. Morton was fairly elected by a majority of 148 votes, but a

board of canvassers at Plattsmouth threw out the Rock Bluff vote in Cass County because the judges of election had not signed the tally list, and so David Butler was elected Governor by a hundred-and-some-odd votes. It was at this time that Mr. Morton yielded to the persuasions of Mrs. Morton to abjure politics and devote himself to business pursuits, which he did for the ensuing 14 years with success, when in 1882 he was again nominated for the governorship in the State convention of that year. However, Mr. Dawes, the Republican candidate, was elected by a large plurality. He was again nominated for Governor and made the race against Mr. Dawes in 1884. From this time on he was not a candidate for office; but in 1888 a convention held at Nebraska City nominated him for Congress. It was a convention that he did not attend and in which he had very little interest, because he knew a nomination was only an opportunity to expend money in organizing a party and in laying a foundation for the success of someone else.

Mr. Morton was nominated by his party for Governor again in 1892. It was a stirring campaign. The Republican nominee, Lorenzo Crounse, was elected.

President Grover Cleveland, elected for a second term to the Presidency, tendered Mr. Morton the position of Secretary of Agriculture. In this great office he distinguished himself for administrative ability of the first order. He immediately antagonized the political practices of Congress in the distribution of seeds to the people, which he regarded as useless and pernicious. He came in direct collision with the House of Representatives on that issue, and maintained his ground with his usual ability and firmness.

At the end of the Cleveland administration Mr. Morton retired to his home and resumed his life work in the upbuilding of the State, and especially of Nebraska City, the home which he selected over 40 years before. Mr. Morton's great memorial in Nebraska City, and that which will be most enduring as an evidence of public spirit and grasp of the needs of future generations, is found in the beautiful park which bears his name, and which he donated to the city many years ago.

Mr. Morton's life in Nebraska was dominated for nearly half a century by his example as well as by his precepts in the upbuilding of a strong and useful citizenship in our State and section. He was for all these years essentially a farmer. The practical gospels as to how to raise fine men and women, fine trees, fine apples, fine cattle, fine horses, and fine swine were preached by him in season and out of season through all of our remarkable growth and advance.

As early as the 4th of January 1872, at a meeting in Lincoln of the State board of agriculture, he introduced the following:

*Resolved*, That Wednesday, the 10th day of April 1872, be, and the same is hereby, especially set apart and consecrated for tree planting in the State of Nebraska, and the State board of agriculture hereby name it Arbor Day; and, to urge upon the people of the State the vital importance of tree planting, hereby offer a special premium of \$100 to the county agricultural society of that county in Nebraska which shall, upon that day, plant properly the largest number of trees; and a farm library of \$25 worth of books to that person who, on that day, shall plant properly in Nebraska the greatest number of trees.

The resolution was passed after some discussion of an amendment introduced by the late Chief Justice Oliver P. Mason, supported by J. H. Masters, which proposed to strike out the word "Arbor" and insert "Sylvan", but Mr. Morton insisted that the word "Sylvan" would apply only to forest trees, while the word "Arbor" would include all trees, hedge, and shrubbery. At the close of the debate it was unanimously determined to call the new-born anniversary "Arbor Day."

On the day named by the resolution over 1,000,000 trees were planted in Nebraska, and perhaps an equal number in 1873. Governor Furnas issued the first proclamation March 1, 1874, calling for the observance of Arbor Day, and in 1884 the legislature made the 22d of April, Mr. Morton's birthday, a legal holiday to be known as Arbor Day.

This is the crowning achievement, as I believe, in his own estimation, of Mr. Morton's important and influential life. His name is known in connection with Arbor Day the



civilized world over. Arbor Day and Arbor Day festivals are in vogue in most of the States and cities of the Union, and countless millions of trees are growing under the influence of his organization of Arbor Day, in our own and other countries, where no trees were ever known to grow before. It has led up to the study of planting of trees as a practical economic necessity, and for the higher work of educating the people in the love of the beautiful in nature on a scale and to an extent that could never have been achieved without it.

The true trend of Mr. Morton's mind was distinctly altruistic. He had an innate love of the good and the beautiful and a corresponding contempt for the false and frivolous. Eminently practical and utilitarian in spirit, he blended in happy harmony a cultivated taste with a devotion of principles of economy and thrift in the homes of the people in which he found the real sources of their happiness and the true strength of the Nation. Upon noisy political agitators of popular discontent he waged aggressive and unrelenting war without regard to parties or persons. He combated error with a vigor which derived its main force from logical and lucid statements, and with an aptitude for illustration which enabled him to pulverize mountains of rhetoric and to demolish the platitudes of vociferous agitators with something that strongly resembled a combination of the Damascus blade with the ponderous power of the trip hammer.

The State historical society, of which Mr. Morton was the president at the time of his death, had much of his attention for many years, and its records contain some of the most interesting and important of the productions with which his pen has enriched the historical literature of the State.

In early December 1901 Mr. Morton delivered an address in Chicago before a convention of stock raisers. He contracted a severe cold while there and returned to Nebraska quite ill. A troublesome cough followed during that winter. It was so persistent and was attended by such marked emaciation as to cause anxiety for fear of disease of the lung. A change of scene and climate was advised by his physician, and a visit to the city of Mexico was decided on. The first week of February 1902, accompanied by his son, Hon. Paul Morton, and his family, and provided with every comfort for travel, he made the long journey. The reception and welcome by President Diaz and the members of the Mexican Government of so distinguished a citizen of our country was marked by the cordial courtesy for which Mexican hospitality is distinguished, and Mr. Morton fully enjoyed and appreciated it. Returning to his home after an absence of a month, friends were alarmed at his great loss of strength and flesh. An insidious disease had stricken the strong man of a few months before. After his return he was too weak to make any effort and suffered constant loss of strength and inability to either relish or assimilate food. He was removed to the home of his son, Mr. Mark Morton, Lake Forest, Ill., accompanied by his sister, Miss Emma Morton, that he might have the benefit of Chicago's best medical skill. Strong confidence was expressed by his physicians that he would regain his strength and health, but he continued to fail steadily, and Nebraska's first citizen passed from the scenes of earth on the 27th of April. A funeral service was held at the home of Mr. Mark Morton the following morning, after which the remains were conveyed to Nebraska City, where they arrived on the morning of April 30. The funeral services were held in the afternoon of the same day. Every evidence was given of the public sorrow by the people over the death of their honored fellow citizen, and Nebraska City and Otoe County, where he was so greatly esteemed, respected, and beloved, was as a house of mourning for the loved and lost.

On the 3d of May 1902, soon after the death of Mr. Morton, the Arbor Day Memorial Association was organized at Nebraska City for the purpose of erecting a monument in honor of the father of Arbor Day. The purpose of the association was to procure a statue of Mr. Morton to be paid for solely by contributions of his friends and admirers out-

side of his immediate family. The first contribution, \$200, was received May 17, 1902, from the Omaha jobbers, and there were more than 3,000 distinct subscriptions and from all parts of the United States. The most notable offering was made on Arbor Day, 1904, by the school children of the State of Nebraska, and amounted to \$1,150.89. Subscriptions covering the cost of the monument—\$15,120—were received before it was unveiled. While Mr. Morton's sons were not permitted to contribute to the cost of the memorial, they assisted indirectly, and especially in beautifying the surroundings in Morton Park where the statue stands. This park adjoins the grounds of Arbor Lodge on the east, and was donated to Nebraska City by Mr. Morton. The monument is simple, dignified, and impressive in design, thus typifying the life and character of its subject. The central figure is a life-size bronze statue of Mr. Morton, which stands upon a solid block of Rhode Island granite. The pose and expression of the figure well represent the virility, courage, and aggressive positiveness of its prototype. The right arm hangs naturally by his side holding the hat, while the left hand rests on a short staff. At the foot of the pedestal stands a bronze figure of a woman, her left hand holding a young tree, while her glance is directed to the spot where it is about to be planted, symbolizing the spirit of Mr. Morton's admonitory apothegm, "Plant trees." A semi-circular stone bench stands at some distance back of the pedestal, and forming a frieze around it are the words, "Love of home is primary patriotism" and "Other holidays repose upon the past. Arbor Day proposes for the future." The back of the bench is further ornamented with two large bas-reliefs in bronze, the one on the left representing the negotiation of a treaty with the Pawnee Indians near the present Arbor Lodge, in which Mr. Morton participated; the one on the right portraying a landscape partly covered with trees, and in the foreground the figure of a woman in the act of planting a tree, the whole typical of the spirit of Arbor Day. At each side of the stone terrace stand stone benches inscribed upon the ends with the legend "plant trees." The lower part of this bench bears the inscription, "Erected by the Arbor Day Memorial Association in memory of Julius Sterling Morton, MCMV."

Upon the pedestal is the following inscription: "J. Sterling Morton, 1832-1902, father of Arbor Day. Plant trees." The reverse bears a concise sketch of Mr. Morton's life and public services.

The spaciousness and solidity of the base and foundation of the monument are intended to harmonize with the vastness and substantiality of the western country. The platform around the monument is 50 by 75 feet, and except for the brick used in the platform the entire monument is of granite and bronze. It was unveiled with appropriate exercises October 28, 1905, the principal address being made by ex-President Grover Cleveland.

#### ERECTION OF A MONUMENT TO GOUVERNEUR MORRIS

Mr. CURLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CURLEY. Mr. Speaker, it is fitting and proper at this time that a monument be erected and dedicated to the memory of one of our great American citizens and statesmen, Gouverneur Morris.

#### GOUVERNEUR MORRIS, THE "PENMAN"

It was Gouverneur Morris who drew the final draft in the revision of the fundamental law of the land—the Constitution of the United States of America.

In all the pages of history of struggles for recognition of human rights there is nothing so compelling with admiration as this masterpiece of human ingenuity.

Acting in their sovereign capacity, the people of the newborn Nation made this instrument the backbone and framework of our National Government. It is a chapter in the world's history which instantly commands the respect of all and compels doubting autocracies and dictatorships



throughout the world to concede the unqualified success of the American Democracy despite such severe tests as the Nation-wide economic collapse.

#### CONSTITUTION—ATLAS OF STRENGTH

The great human instrument, predicated as it was upon the fundamental principles of liberty, truth, justice, and equality, was conceived in the minds of all the pioneer leaders in the early days of our American civilization. The wisdom and keen foresight of those distinguished statesmen were incorporated into the organic law of the country. It is recognized as the most marvelous written instrument that ever emanated from the minds of men.

Every fundamental principle dear to the hearts of the freedom-loving people of America is guaranteed under our Constitution.

#### GOVERNEUR MORRIS—STATESMAN, PATRIOT

Those pioneer statesmen of our early history, among whom none were more outstanding than Gouverneur Morris, were practical men of common sense and experience. They understood the requirements and living conditions existing in those trying and strenuous times. It was those great Americans who led the Colonies successfully through the crisis of the revolutionary days and sacrificed their private fortunes in doing so in some instances.

The peace and happiness of all the people was uppermost in their minds, no matter what the personal sacrifice to attain it.

So they framed the Constitution and made it an instrument which would forever be a guaranty and protection of freedom, justice, truth, and equality, those four fundamental principles of democracy which form the foundation upon which the United States of America have been built.

#### GOVERNEUR MORRIS, MEMBER OF PROVINCIAL AND CONTINENTAL CONGRESSES

Now is the time for grateful American citizens of the present day to emulate and duplicate the kind of courage and loyalty displayed by the designers of our Constitution, who passed through a worse period in our history than the present.

Gouverneur Morris was a Member of the early Provincial and Continental Congresses. He was close to the people and their problems in those anxious days.

#### GOVERNEUR MORRIS, UNITED STATES SENATOR

Now is the time, Mr. Speaker, when the country is passing through another great crisis for those defenders of our organic law, the Constitution, to indicate their gratitude by their whole-hearted, undivided support of the Curley bill, H. R. 11854, a bill which provides for the erection of a monument to the memory of Gouverneur Morris in the historical burial ground where his sacred remains are buried at One Hundred and Forty-First Street and St. Anns Avenue, in the Borough of the Bronx, the city of New York. This historical spot should be so marked as there also sleep scores of the famous patriotic Morris family, among whom are:

Gen. Lewis Morris, Member of the Continental Congress, who was the only signer of the Declaration of Independence from New York City and who served in the American Revolution, with three sons, as commander of the Westchester Militia, Continental Army.

Judge Lewis Morris, the first native-born chief justice of New York and first Governor of New Jersey.

Capt. Richard Morris, an officer in Cromwell's army and first proprietor of Morrisania.

Commodore Richard Morris, veteran of the War of 1812 and commander of the Mediterranean Squadron, United States Navy.

Judge Robert Hunter Morris, who was a member of both branches of the New York Legislature, postmaster of New York City, justice of the supreme court, mayor of New York City for three terms, and delegate to the Constitutional Convention of 1846.

Hon. Lewis Morris, member of the Colonial Assembly, judge of the high court of the admiralty, and one of the judges of Oyer and Terminer.

Capt. William Walton Morris, veteran of the War with Mexico, who was promoted for gallant and meritorious service at Palo Alto and at Resaca de la Palma.

Col. Lewis G. Morris, member of the war committee, Westchester County.

Gouverneur Morris, Esq., a pioneer in railroad building and first supervisor of the town of Morrisania.

Judge Richard Morris, chief justice of the Supreme Court, State of New York, member of both houses of the legislature, and champion of the adoption of the Constitution of the United States of America.

Col. Lewis Morris, an officer in Cromwell's army and member of Governor Dongan's council.

Commander Francis Morris, veteran of the Civil War.

Maj. Gen. William Walton Morris, veteran of Florida, Mexico, and Civil Wars, promoted for gallant and meritorious service at Palo Alto, Resaca de la Palma, and in the Civil War.

Lt. Col. Lewis Morris, aide-de-camp to Gen. Nathaniel Greene.

Buried there also is Mary Walton Morris, wife of Lewis Morris, known as the "mother of patriots" because she had three sons in the war which gave birth to the Nation, as is also Gouverneur's wife, Anne Carey Randolph, of Virginia, who was seventh in line from Pocahontas, Indian princess.

This memorial monument will hand down to future generations a tangible proof that we of this material age are not lacking in knowledge or in appreciation of the services of those who contributed in the upbuilding of our Nation.

With the tomb of Gouverneur Morris in this hallowed spot and this monument in memoriam to his achievements erected by a grateful country, giving evidence of their appreciation, let this sacred spot become a shrine to attract the youth of all succeeding generations as a fountain of inspiration, a source of encouragement, and a stimulus to good citizenship and patriotism.

#### "GOVERNEUR MORRIS", BY THEODORE ROOSEVELT

Morris played a very prominent part in the convention. He was a ready speaker, and among all the able men present there was probably no such really brilliant thinker. In the debates he spoke more often than anyone else (p. 139).

He was one of the warmest advocates of the Constitution; and it was he who finally drew up the document and put the finish to its style and arrangement; so that as it now stands, it comes to us from his pen (p. 166).

He was essentially a strong man, and he was American through and through.

Perhaps his greatest interest for us lies in the fact that he was a shrewder, more far-seeing observer and recorder of contemporary men and events, both at home and abroad, than any other American or foreign statesman of his time. But aside from this he did much lasting work. He took a most prominent part in bringing about the independence of the Colonies, and afterward in welding them into a single powerful Nation, whose greatness he both foresaw and foretold. He made the final draft of the United States Constitution; he first outlined our present system of national coinage; he originated and got under way the plan for the Erie Canal; as Minister to France he successfully performed the most difficult task ever allotted to an American representative at a foreign capital. With all his faults, there are few men of his generation to whom the country owes more than to Gouverneur Morris (p. 364).

This bill (H. R. 11854) has the approval of numerous historical and patriotic societies.

With the approach of the one hundred and fiftieth anniversary of the adoption of our Constitution, no time is more appropriate than the present to honor the memory of the great patriot—Gouverneur Morris.

#### THE OHIO SALES TAX ON FOOD, CLOTHING, AND MEDICINE SHOULD BE REPEALED

Mr. YOUNG. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. YOUNG. Mr. Speaker, as Congressman at Large from Ohio, I represent a constituency of nearly 7,000,000 of the finest people living anywhere on earth.

We have gone a long way and under a great leadership since that black Saturday in 1933 when Herbert Hoover turned the wreck over to President Roosevelt.

As Congressman representing my State and all of its people, I have supported the recovery program of President Roosevelt. I have upheld his great leadership. As a consequence, and because of the President's recovery program,



this Nation is emerging from a terrible depression. We face a new era. In my State there has been a failure on the part of the State administration to cooperate with the national administration. We need leadership in Ohio as in the Nation. I propose a recovery program for the State of Ohio.

Unfortunately, in Ohio we have a 3-percent sales tax. Furthermore, what is worse, we have a Governor who suggested its continuance and approved its continuance and who, in fact, defends this atrocious and obnoxious tax. Since the present Governor of Ohio has suggested the reenactment of this State sales tax, it is in an even more vicious form than the original. Even from students' dormitories, charity hospital meals, Sunday-school bazaars, church suppers, sales-tax payments are garnered.

The people of my State are entitled to have this sales tax, particularly as it applies to food, clothing, and medicine, repealed without delay. I advocate immediate repeal of this indefensible tax. The Ohio sales tax bears down hardest on the poor. It violates every principle of just taxation. Taxes should be levied according to ability to pay. This is a cowardly tax. I repudiate it from my very soul. It takes food from the tables of the poor. It deprives the sick of medicine. It reduces the purchasing power of the underpaid school teacher. It even levies toll upon the aged from the inadequate amounts they receive in old-age security payments. I am unalterably opposed to the Ohio sales tax. It destroys the consuming power of our people. It is indefensible. It is a tax of last resort. In fact, a tax such as the Ohio sales tax was the direct cause of the French Revolution. Certainly, with the elimination of extravagance and waste in the operation of the State government, there will be and can be no need nor justification whatever for a sales tax of 3 percent against food, clothing, and medicine. Ohio existed for many, many years and prospered without the sales tax. With honesty, intelligence, and vision we go forward to better days. The present Governor has not only failed to take steps toward repeal of this outrageous sales tax, he suggested its continuance. He approved it. I urge its repeal. I ask him this question: Why soak the poor?

The Ohio sales tax is exactly the reverse of the Federal income tax in the manner it burdens our people. The homes of wage earners, of the poor, and of the unemployed are the last places where the tax gatherers should go.

The Ohio sales tax was never designed as anything more than a stopgap to meet an emergency. It was accepted only on that basis, with the promise it would be repealed the moment a permanent, balanced tax program could be perfected. The present Governor evaded this major responsibility of his administration. Then, when this iniquitous sales tax against food, clothing, and medicine was about to expire, he suggested that it be continued. We must not accept this as a permanent tax burden.

What the repeal of the sales tax on food would mean annually to the average Ohio family in the different income groups has been carefully estimated by the Brookings Institution. For a family with an average family income up to \$1,000, \$305 is the average annual expense for food. The Ohio sales tax imposes a cost of \$9.15, taking that amount of food from the table. The percent of income the food tax affects families in this income-tax bracket is 30.5 percent. For families of an average annual income of \$1,000 to \$1,500, \$435 is the average spent per year on food. This represents a cost to the average family of \$13.05. The percent of income the food tax affects is 29. On the other hand, in families with an annual family income of \$5,000, the percent of income food tax affects is 14. In families whose average income is from \$10,000 to \$15,000, the percent of income food tax affects is only 7.

A sales tax imposes a burden opposite that of the Federal income tax. Those in the lower income brackets must bear the heaviest tax burden.

The sales tax on food destroys the consuming power of our people. It afflicts the poor and burdens the unemployed. It takes food from babies as well as grown-ups. It even

takes a part of the inadequate old-age pensions received by 85,000 worthy old people. It brings into the State treasury about \$17,000,000 each year mostly squeezed from the poor. A State income tax would bring in about \$20,000,000.

I do not suppose the idea of repealing the sales tax upon food, low-priced clothing, and medicines ever occurred to the present Governor after he was elected.

The facts are that as a candidate for governor on July 3, 1934, he wrote:

I am in favor of the income tax for the State of Ohio.

Federal salaries are not exempt from the Federal income tax. Congressmen and Senators pay income taxes on their salaries as do other people on their salaries and incomes. If a Congressman has one person dependent on him, he pays between \$400 and \$500 per year in Federal income tax. This is proper. In Ohio the Governor, his cabinet officers, and other high-salaried State officials are exempt from the Federal income tax. There is no State income tax upon such salaries. I favor such a tax properly graduated instead of taxes upon necessities which soak the poor and retard recovery.

It is my deliberate judgment that with rigid and courageous economy in Ohio we can proceed with immediate repeal of the State sales tax upon food, clothing, and medicine, and without substituting another tax. In event it is found that additional revenue will be needed for adequate old-age pensions, which I favor, and to operate our public schools so they are equal to the best, then the necessary substitute tax should be levied according to ability to pay.

Certainly a graduated-income tax with a higher rate against the larger income would be less burdensome than the present State sales tax against food, clothing, and medicine.

In Ohio a poor woman who purchases a 10-cent soup bone must pay 1 cent as a tax. This is a 10-percent tax. Yet there are \$47,000,000,000 in bonds held by wealthy people of the country that are absolutely tax exempt.

Next in importance to repeal of the sales tax is cooperation on the part of the State administration with the Federal administration. This is important to every citizen I represent.

The present Governor of Ohio has failed to cooperate with the Federal administration in many important particulars. As you know, the Federal Government has gone from direct relief to work relief, and it appears that by reason of the present situation existing between the State administration and the Federal administration, the State of Ohio is not receiving work relief on many worth-while projects. The Governor's veto of some items in the appropriation bill will lose considerable Federal money in grants for construction work in our welfare and other institutions. As a specific example, the Governor vetoed \$5,000 in personal service in the erosion board, which makes it impossible for the engineer in charge to continue his work and obtain Federal grants for construction work. The Federal Government has already approved grants for this particular work of \$63,000, and all that it would cost the State of Ohio would be a little engineering and supervision. In other words, we in Ohio would be getting about \$15 of Federal money for every dollar we expend.

Inasmuch as the State of Ohio must now furnish money for direct relief, anyone can easily figure out how the State treasury will suffer when we fail to get Federal money for work relief. It is stated to me that there are other instances where the State of Ohio is now losing Federal money because of the attitude of its present Governor.

#### THE PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first bill on the Private Calendar.

RALPH B. SESSOMS

The Clerk called the first bill, H. R. 8775, for the relief of Ralph B. Sessoms.

Mr. COSTELLO and Mr. DRISCOLL objected, and, under the rule, the bill was recommitted to the Committee on War Claims.



GEORGE D. JOHNSON

The Clerk called the next bill, H. R. 5336, for the relief of George D. Johnson.

Mr. COSTELLO, Mr. DRISCOLL, and Mr. HOPE objected, and, under the rule, the bill was recommitted to the Committee on Naval Affairs.

CHIEF CARPENTER WILLIAM F. TWITCHELL, UNITED STATES NAVY

The Clerk called the next bill, S. 2682, for the relief of Chief Carpenter William F. Twitchell, United States Navy.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President of the United States is hereby authorized to appoint, by and with the advice and consent of the Senate, Chief Carpenter William F. Twitchell, United States Navy, a naval constructor with the rank of lieutenant on the retired list of the Navy, with pay at the rate of  $2\frac{1}{2}$  percent of the active-duty pay of a lieutenant of his length of service multiplied by the number of years of service for which he is entitled to credit in computation of his longevity pay on the active list, not to exceed 75 percent of said active-duty pay.

Mr. ZIONCHECK. Mr. Speaker, I move to strike out the last word.

Mr. HANCOCK of New York. Mr. Speaker, I make the point of order that under the rule amendments of this kind cannot be offered.

Mr. ZIONCHECK. I do not think there is any rule to that effect.

The SPEAKER. This is the first time the question has risen under this rule. The Chair, after examination of the rule, thinks that the restriction with reference to the offering of amendments applies only to omnibus bills.

Mr. O'CONNOR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'CONNOR. Would a motion to move the previous question on the bill preclude the offer of such amendment?

The SPEAKER. The ordering of the previous question would preclude the offering of amendments and serve to close debate.

Mr. O'CONNOR. Mr. Speaker, I may say it was the intention that such debate be not entered into. My remarks are not directed against the gentleman from Washington, but such debate would afford a means of filibustering and extending the debate indefinitely and those interested in the bills would have to move the previous question, which would shut off amendments, pro forma or otherwise.

The SPEAKER. The gentleman from Washington is recognized for 5 minutes.

Mr. ZIONCHECK. Mr. Speaker, yesterday I rose and addressed the House for 5 minutes and directed the attention of the gentleman from Texas [Mr. BLANTON] to some remarks of mine, of the Friday previous, accusing him, without having formal proof, of having altered and revised my remarks without my permission or without the permission of the House or without anybody's permission but his own.

The SPEAKER. Under the rule, the gentleman will confine himself to the bill under consideration.

Mr. ZIONCHECK. What is the last word, then, Mr. Speaker?

The SPEAKER. The gentleman has the bill before him.

Mr. ZIONCHECK. I have not the bill.

The SPEAKER. The intent of this rule, as the gentleman from New York [Mr. O'CONNOR] has plainly stated, is not to have any discussion in the consideration of this calendar. The Chair must insist that gentlemen who insist upon debate must confine themselves strictly to the provisions of the bill and not discuss outside matters, because the House can well understand that if such a course were followed—

Mr. ZIONCHECK. Mr. Speaker, I can raise a question of personal privilege. I can go out and get a resolution prepared right away or I can rise now to a question of personal privilege.

The SPEAKER. The gentleman can ask unanimous consent to proceed out of order, if he wishes and if the House will permit.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Washington may proceed out of order.

Mr. MILLARD. Mr. Speaker, I object.

Mr. ZIONCHECK. Then, Mr. Speaker, I ask unanimous consent to proceed out of order for 5 minutes.

The SPEAKER. The gentleman from Washington asks unanimous consent that he may be permitted to proceed out of order for 5 minutes. Is there objection?

There was no objection.

Mr. ZIONCHECK. Mr. Speaker, today I have received from the Government Printer the authentic reporter's copy of the 5-minute talk I made upon Friday last.

The gentleman from Texas made the statement on the floor yesterday that he did not change one word in these remarks.

Mr. BLANTON. I did not change one word of the gentleman's remarks—not one.

The SPEAKER. The gentleman will address the Chair before interrupting the speaker.

Mr. ZIONCHECK. Mr. Speaker, I now ask the gentleman from Texas if in his remarks, which are a part of my remarks, he said:

Mr. Schriftgiesser, a Russian Communist, with just about the same kind of sympathetic ideas that the gentleman entertains.

This is what he said and then he put in: "The Post and its writer", and then after "Communist" he put in "sympathizers", and after "sympathetic ideas" he put in "communism", and then he goes down a little further and Mr. BLANTON again states this:

I would rather have night riders here in Washington than "red riders."

Then in between the words "in" and "Washington" he puts in "the State of", and after "riders" he put in "if the 'red riders' were 'reds'."

Then after my remarks, "Why does not the gentleman answer the question", Mr. BLANTON puts in this statement which was never stated by Mr. BLANTON on the floor:

Mr. BLANTON. The Post and its editor, Karl Schriftgiesser, know that I have never belonged to the Ku Klux Klan, and that in the zenith of its power one of its high klagles ran against me for Congress, and I carried every county in my district against him by a big majority.

Do you admit that you changed your own remarks in my remarks?

Mr. BLANTON. I made that carry out exactly what I told the gentleman here on the floor.

Mr. ZIONCHECK. What did you tell the gentleman here on the floor?

Mr. BLANTON. I told the gentleman on the floor that this Karl Schriftgiesser, who is one of Eugene Meyer's editors of the Post, entertained communistic ideas exactly like the gentleman entertains. Is not that right? Do you deny that?

Mr. ZIONCHECK. Oh, no; that is right in here.

Mr. BLANTON. Exactly like you entertain?

Mr. ZIONCHECK. That is right in here.

Mr. BLANTON. And I made that conform to the facts. Will the gentleman deny he entertains communistic ideas?

Mr. ZIONCHECK. Did you write this in or did you not? Did you or did you not?

Mr. BANKHEAD. Mr. Speaker, I do not want to interrupt the discussion, but it is contrary to the rules to address any Member in the first or second person.

Mr. ZIONCHECK. Then did the gentleman from Texas do this or did he not?

Mr. BLANTON. Sure I did. I made it conform exactly to the facts, and I made it show exactly what the gentleman stands for.

Mr. ZIONCHECK. And did the gentleman get my permission to do it?

Mr. BLANTON. The gentleman does not deny that he entertains communistic ideas, does he?

Mr. ZIONCHECK. Did the gentleman from Texas obtain my permission to do it?

Mr. BLANTON. I do not have to obtain the gentleman's permission to make the RECORD speak the facts.

Mr. O'CONNOR. Mr. Speaker, I make a point of order for the purpose of getting a ruling.

As I understand, a Member from his seat can address the speaker who has been recognized by the Chair and propound



a question to him of he so desires, but under the rules has the person who has the floor and who is addressing the House any right to address a Member in his seat?

I think this is an important question, because we have had these two-men conversations a great deal recently.

The SPEAKER. The Chair does not think the Member has such right.

Mr. ZIONCHECK. Then, Mr. Speaker, does the gentleman from Texas—

Mr. O'CONNOR. Mr. Speaker, I do not know whether I heard the Chair correctly or not.

The SPEAKER. The Chair holds the Member who is speaking does not have the right to address his remarks to any individual Member in his seat.

Mr. ZIONCHECK. Then, Mr. Speaker, I may state to the gentleman from Texas that if my ideas are different from his, as they are, then, of necessity, in his opinion I must be a Communist. I am proud to have different ideas from those of the gentleman from Texas. It would be a reflection on the intelligence of the constituents I represent were my ideas and thoughts not different than his.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. ZIONCHECK. Mr. Speaker, under permission to revise and extend my own remarks, I include my remarks of Friday last. The italics designate the words inserted by the gentleman from Texas without my knowledge, permission, or consent, and contrary to the most elemental rules of this House, as the gentleman knows and knew when he did it. If he does it again I shall introduce a resolution and demand a vote.

Mr. ZIONCHECK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I rise at this time to ask my good friend from Texas whether he has read on the editorial page of this morning's Post an article entitled "BLANTON! Why?" and then "Hell to the Dictator!"

Mr. BLANTON. *The Post and its writer, Karl Schriftgiesser, are Russian Communist sympathizers with just about the same kind of sympathetic ideas for communism that the gentleman entertains.*

Mr. ZIONCHECK. Will the gentleman from Texas answer the question whether he would prefer a red rider to a night rider in Washington?

Mr. BLANTON. I would rather have night riders here and in the State of Washington than red riders, if the red riders were reds.

Mr. ZIONCHECK. Why does not the gentleman answer the question?

Mr. Blanton. *The Post and its editor, Karl Schriftgiesser, know that I have never belonged to the Ku Klux Klan, and that in the zenith of its power one of its high kleagles ran against me for Congress, and I carried every county in my district against him by a big majority.*

A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ZIONCHECK. Will the Speaker rule whether I am within my rights, whether these are my remarks or the remarks of the gentleman from Texas?

The SPEAKER. The Chair cannot answer that question without a further examination.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HOFFMAN. Reserving the right to object, and I wish to make a parliamentary inquiry.

Mr. BLANTON. I think the gentleman from Michigan believes in fairness.

Mr. HOFFMAN. My parliamentary inquiry, Mr. Speaker, is whether the gentleman should not first address the Chair.

The SPEAKER. The gentleman is correct, but the gentleman from Texas did address the Chair.

Mr. HOFFMAN. And my second inquiry is whether he would have the right and privilege, if I do not object, to stand in "No Man's Land" when he makes the request?

Mr. O'CONNOR. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is called for. Is there objection to the request of the gentleman from Texas?

Mr. CLARK of Idaho. I object.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A. F. AMORY

The Clerk called the bill (H. R. 399) for the relief of A. F. Amory.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc., That the claim of A. F. Amory against the United States for damages alleged to have been caused on the early morning of August 6, 1929, by a collision in the harbor of Cape May, N. J., between a submerged wreck then in custody of the United States Coast Guard, at Cape May, N. J., and the power boat Mocking Bird, owned and operated by the said A. F. Amory, as a result whereof the said power boat Mocking Bird sustained substantial damage, may be sued for by the said A. F. Amory in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said A. F. Amory upon the same principles and measures of liability as in like cases between private parties and with the same rights of appeal: Provided, That such notice of the suit shall be given to the Attorney General of the United States as may be provided for by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend said United States: Provided further, That said suit shall be brought and commenced within 4 months from the date of the passage of this act.*

With the following committee amendments:

Page 1, line 6, after the word "wreck", insert "alleged to have been."

Page 1, line 10, after the word "whereof", insert "it is alleged that."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANTHONY MARSZELEWSKI

The Clerk called the bill (H. R. 7546) to correct the military record of Anthony Marszelewski.

The SPEAKER. Is there objection?

Mr. HOPE and Mr. HANCOCK of New York objected, and the bill was recommitted to the Committee on Naval Affairs.

FRANK A. BOYLE

The Clerk called the bill (H. R. 993) to extend the provisions of the act of Congress, approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties", and for other purposes, to Frank A. Boyle.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc., That the provisions of the act of Congress approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes", are hereby extended to Frank A. Boyle for injuries received while in the service of the United States Government as United States Commissioner at Juneau, Alaska, on July 26, 1929, and that he be paid such sums to date from the passage of this act, as would properly be due him within the provisions of section 4 of said act of September 7, 1916.*

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank A. Boyle, of Juneau, Alaska, the sum of \$2,500, in full settlement of his claim against the United States for injuries sustained on July 26, 1929, in the Federal Building at Juneau while in the performance of his duties as United States Commissioner at Juneau, Alaska: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.



The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Frank A. Boyle."

E. B. GRAY

The Clerk called the bill (H. R. 1103) for the relief of E. B. Gray.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to E. B. Gray, of Cincinnati, Ohio, which sum was paid by him in May 1931, to the United States by reason of the forfeiture of the bail bond of Chester Koher, the case since having been fully satisfied.

With the following committee amendments:

Page 1, line 6, strike out "which sum was" and insert "in full settlement of his claim against the United States for an equal amount."

Page 1, line 8, strike out "in May 1931" and insert "on September 8, 1931."

Page 1, line 10, strike out "the case since having been fully satisfied" and insert "the latter having failed to appear for trial, but thereafter having been apprehended by said E. B. Gray, without cost to the Government, and imprisoned: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JULIA M. RYDER

The Clerk called the bill (H. R. 2189) for the relief of Julia M. Ryder.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Julia M. Ryder, of South Wareham, Mass., the sum of \$252 in full compensation for services rendered to the United States Post Office Department as acting temporary messenger for the conveyance of the mails on mail messenger routes numbered 204 and 196 from August 1931 to August 1932.

With the following committee amendment:

Page 1, line 10, strike out "204 and 196 from August 1931 to August 1932" and insert: "204, 196 and 101,728 from August 5, 1930, to August 31, 1931: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

COMMUNITY INVESTMENT CO., INC.

The Clerk called the bill (H. R. 3283) for the relief of the Community Investment Co., Inc.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Community Investment Co., Inc., a corporation organized under the laws of the State of California, (1) the sum of \$1,896.69 in full satisfac-

tion of its claim against the United States for a refund of income taxes for the year 1926, found by the Treasury Department to have been erroneously assessed, which claim was disallowed on the ground of failure to file within the statutory period of limitation; and (2) the sum of \$125,000 in full satisfaction of such corporation's claim against the United States for damages on account of the filing by the United States of a general lien against all the property of such corporation as security for the payment of such taxes.

With the following committee amendments:

Page 1, line 6, strike out "(1)", and on page 2, strike out all after the word "limitation", in line 1, and insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

EVANGELOS KARACOSTAS

The Clerk called the bill (H. R. 3598) for the relief of Evangelos Karacostas.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Evangelos Karacostas, of Boston, Mass., the sum of \$500. Such sum represents the amount of a cash bond declared breached by the Department of Labor on April 13, 1929, upon the failure of said Evangelos Karacostas to depart from the United States as a temporary visitor, and subsequently covered into the Treasury of the United States, while there was pending a suit instituted by Mr. Karacostas and before a decision was rendered by the District Court of the United States for the District of Massachusetts that said Evangelos Karacostas was entitled to remain in this country permanently.

With the following committee amendments:

Page 1, line 7, strike out the word "represents" and insert "shall be in full settlement of all his claims against the United States for", and on page 2, line 2, strike out "Mr. Karacostas" and insert the word "him", and at the end of the bill, strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY L. MUNRO

The Clerk called the bill (H. R. 4411) for the relief of Mary L. Munro.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary L. Munro, Los Angeles, Calif., the sum of \$500. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said Mary L. Munro as the result of her automobile being struck by a United States Civilian Conservation Corps truck on the highway near Big Bear Lake, Calif., on October 20, 1934.

With the following committee amendments:

Page 1, line 6, strike out "\$500. Such sum shall be" and insert "\$207.50"; and on page 2, line 1, at the end of the bill, strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent



or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM W. BARTLETT

The Clerk called the bill (H. R. 4571) for the relief of William W. Bartlett.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William W. Bartlett, the sum of \$284.50 for the loss of personal effects, by misplacement or otherwise, while claimant was hospitalized during service in the United States Navy.

With the following committee amendments:

Page 1, line 6, strike out "\$284.50" and insert "\$169.60, in full settlement of his claim against the United States."

Page 1, line 9, strike out the word "Navy" and insert "Marine Corps, at the Naval Hospital, San Diego, Calif., between January 24 and September 15, 1927: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

GUIDEO BISCARO AND OTHERS

The Clerk called the bill (H. R. 4915) for the relief of Guido Biscaro, Giovanni Polin, Spironello Antonio, Arturo Bettio, Carlo Biscaro, and Antonio Vannin.

Mr. COSTELLO and Mr. DRISCOLL objected, and the bill was recommitted to the Committee on Claims.

MRS. MURRAY A. HINTZ

The Clerk called the next bill, H. R. 6163, for the relief of Mrs. Murray A. Hintz.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Mrs. Murray A. Hintz, of Raton, N. Mex., the sum of \$10,000. Such sum shall be in full settlement of all claims against the United States on account of damages to the Hintz automobile and damages sustained by the said Mrs. Murray A. Hintz when she was injured in an automobile collision with a United States owned truck near Santa Fe, N. Mex., on September 1, 1934.

With the following committee amendments:

Page 1, line 6, strike out "\$10,000" and insert "\$5,000."

Page 1, line 8, after the word "damages", strike out "to the Hintz automobile and damages."

Page 2, line 1, strike out "September 1, 1934" and insert the following: "September 23, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

D. E. WOODWARD

The Clerk called the next bill, H. R. 6258, for the relief of D. E. Woodward.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to D. E. Woodward the sum of \$5,000. Such sum shall be in full settlement of all claims against the United States on account of damages sustained by the said D. E. Woodward when he was injured in an automobile collision with a United States owned truck near Santa Fe, N. Mex., on September 1, 1934.

With the following committee amendments:

Page 1, line 6, strike out "\$5,000" and insert in lieu thereof "\$3,500."

Page 1, line 10, strike out "September 1, 1934," and insert the following: "September 23, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. C. WILKINSON

The Clerk called the next bill, H. R. 6441, to extend the benefits of the Employees' Compensation Act of September 7, 1916, to J. C. Wilkinson.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.,* That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to J. C. Wilkinson, former deputy United States marshal at McAlester, Okla., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916.

With the following committee amendment:

Page 1, strike out all after the enacting clause, down to and including line 10, on page 1, and insert on page 2 the following: "That notwithstanding the limitations of time in sections 15 to 20, both inclusive, of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized and directed to receive and consider the claim of James C. Wilkinson, of McAlester, Okla., for disability alleged to have been incurred in the performance of his duties as deputy United States marshal on March 20, 1931, under the remaining provisions of said act: *Provided*, That claim hereunder shall be filed within 6 months from the approval of this act: *Provided further*, That no benefits shall accrue prior to the approval of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of James C. Wilkinson."

JOHN CHARLES KLEIN

The Clerk called the next bill, H. R. 6599, for the relief of John Charles Klein.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Charles Klein the sum of \$3,000, for injury of his daughter, Florence Helen Klein, who was struck by a United States mail truck out of control.

With the following committee amendment:

Page 1, line 5, strike out the words "to John Charles Klein the sum of \$3,000, for injury to his daughter, Florence Helen Klein, who was struck by a United States mail truck out of control" and insert the following: "to the legal guardian of Florence Helen Klein, a minor, of Pittsburgh, Pa., the sum of \$3,000, in full settlement of all claims against the United States for per-



sonal injuries sustained by her on October 10, 1933, when she was struck by a United States mail truck, out of control, in a vacant lot on South Side Avenue, Pittsburgh, Pa.: *Provided*, That of any amounts expended by said legal guardian in behalf of such minor child there shall be paid all medical and necessary expenses arising out of the injuries sustained by her: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of Florence Helen Klein, a minor."

GEORGE H. SMITH

The Clerk called the next bill, H. R. 6828, granting 6 months' pay to George H. Smith.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to pay out of the appropriation "Pay of the Navy, 1935, to George H. Smith, father of the late Theodore Ray Smith, fireman, second class, United States Navy, the sum of \$324, such sum being equal to 6 months' pay at the rate said Theodore Ray Smith was receiving at the date of his death.

With the following committee amendments:

Page 1, line 5, strike out "1935" and insert in lieu thereof "1936."  
Page 1, line 5, after the word "Smith", insert "of Rabun County, Ga."

Page 1, line 8, strike out "such sum being equal to" and insert in lieu thereof "in full settlement of his claim against the United States for."

Page 1, line 11, after the word "death", insert the following: "*Provided*, That said George H. Smith shows to the satisfaction of the Secretary of the Navy that he was actually dependent on his son, Theodore R. y Smith, at the time of the latter's death, and that the determination of such dependency by the Secretary of the Navy shall be final and conclusive upon the accounting officers of the Government."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of George H. Smith."

W. N. HOLBROOK

The Clerk called the next bill, H. R. 7555, for the relief of W. N. Holbrook.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. N. Holbrook, Cumberland Gap, Tenn., the sum of \$6,430. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said W. N. Holbrook as the result of a Government truck in the service of the Civilian Conservation Corps striking a building owned by the said W. N. Holbrook at Cumberland Gap, Tenn., damaging the building and destroying the equipment of a gasoline filling station.

With the following committee amendments:

Page 1, line 6, strike out "\$6,430" and insert in lieu thereof "\$2,000."

Page 2, line 2, insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HARRY L. SMIGELL

The Clerk called the next bill, H. R. 7645, for the relief of Harry L. Smigell.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Harry L. Smigell, in the same manner and to the same extent as if the said Harry L. Smigell had made application for benefits under the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, within the period required by sections 17 and 20 thereof. No benefit shall accrue by reason of the enactment of this act prior to the date of such enactment.

With the following committee amendments:

Page 1, line 5, after "Smigell", insert "of Denver, Colo., for disability alleged to have been incurred by him while employed at Frankford Arsenal, Philadelphia, Pa., between June 5, 1918, and November 20, 1918."

Page 2, line 6, at the end of the bill, insert the following: "*Provided*, That claim hereunder shall be made within 90 days from the enactment of this act."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN MICEK

The Clerk called the next bill, H. R. 7867, for the relief of John Micek.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Micek, of Trempealeau County, Wis., the sum of \$5,000 as compensation for personal injuries received, caused by the negligence of officers and agents of the United States in failing to remove from certain school property in Trempealeau County, Wis., certain explosives which caused personal injury to Adolph Micek, 13-year-old son of John Micek, on or about January 18, 1934.

With the following committee amendments:

Page 1, line 5, strike out the words "to John Micek, of" and insert in lieu thereof "to the legal guardian of Adolph Micek, a minor of Independence."

Page 1, line 8, strike out "\$5,000 as compensation," and insert in lieu thereof "\$2,500, in full settlement of his claim against the United States."

Page 1, line 10, strike out the words "United States" and insert in lieu thereof "Federal Civil Works Administration."

Page 2, line 3, after the word "Micek" strike out "13-year-old son of John Micek."

Page 2, line 4, insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of Adolph Micek, a minor."

GRANT HOSPITAL OF CHICAGO, ILL.

The Clerk called the next bill, H. R. 7904, for the relief of the Grant Hospital of Chicago, Ill.

There being no objection the Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Grant Hospital of Chicago, Ill., the sum of \$37.50. The payment of such sum shall be in full settlement of all claims against the United States



on account of hospital service rendered to Theresa Paulas, who was admitted to said hospital as a patient after she was injured by agents of the United States Department of Justice during the John Dillinger shooting in the city of Chicago, in July 1934:

With the following committee amendments:

Page 1, line 6, after the figures "\$37.50" insert "and to Dr. M. H. Streicher, of Chicago, Ill., the sum of \$75."

Page 1, line 10, strike out "admitted to said hospital as a patient after she was."

Page 2, line 3, insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of Grant Hospital and Dr. M. H. Streicher."

#### POLYGRAPHIC CO. OF AMERICA

The Clerk called the next bill, H. R. 7987, for the relief of the Polygraphic Co. of America.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,869.85 to the Polygraphic Co. of America, such payment to be in full settlement of any claim against the Government of the United States for the printing of 2,000,000 N. R. A. stickers pursuant to contract no. Cc-2069, executed in August 1934.

With the following committee amendment:

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### LOUIS GEORGE

The Clerk called the next bill, H. R. 8113, for the relief of Louis George.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Louis George, of Chicago, Ill., the sum of \$1,000. Such sum represents reimbursement for loss sustained by the said Louis George on account of forfeiture to the United States of a delivery bond executed by him to secure the appearance of Andreas Janon in proceedings for deportation of the said Andreas Janon.

With the following committee amendments:

In lines 6 and 7, strike out the words "represents reimbursement" and insert in lieu thereof the clause "shall be in full settlement of all claims against the United States."

In line 8, after the word "States", insert a comma and the words "on or about August 31, 1926."

In lines 10 and 11, strike out the words "in proceedings for deportation of the said Andreas Janon" and insert in lieu thereof the following: "an alien, who, having failed to appear as required by such bond, was thereafter apprehended and deported through the efforts of said Louis George and without cost to the Government: Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received

by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### SEAMEN OF STEAMSHIP "SANTA ANA"

The Clerk called the next bill, H. R. 8200, for the relief of the seamen of the steamship *Santa Ana*.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund the sum of \$398 belonging to the seamen of the steamship *Santa Ana* turned into the Treasury by mistake at Jacksonville as miscellaneous funds while their suit at Tampa was pending appeal in New Orleans.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$398, to the clerk of the United States District Court for the Southern District of Florida, who shall distribute such sum, in proportion to their respectively adjudicated claims, to the seamen of the steamship *Santa Ana*, in accordance with the final decree and order of said United States District Court, dated June 8, 1932, at Tampa, Fla. Such sum shall be deemed to be in full settlement of the claim of the seamen of the steamship *Santa Ana* against the United States for the moneys erroneously paid into the Treasury of the United States, when same should have been retained in the court registry for payment to said seamen as wages as a result of the decision in the case of *S. G. Clifford et al. v. Merritt-Chapman & Scott Corporation* (57 Fed. (2d) 1021): Provided, That no part of said amount of \$398 in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### L. J. POWERS

The Clerk called the next bill, H. R. 8434, authorizing the redemption by the United States Treasury of certain documentary revenue stamps now held by L. J. Powers.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized to redeem certain documentary revenue stamps, to wit: One for \$500, serial no. 928; one for \$500, serial no. 3577; total \$1,000, said stamps having been purchased to be used upon a deed of conveyance, which was never executed, and now owned by and in possession of L. J. Powers, of Waterloo, Iowa.

Sec. 2. That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to L. J. Powers, of Waterloo, Iowa, the sum of \$1,000 for the redemption of said documentary revenue stamps.

With the following committee amendment:

Strike out all the wording of the bill after the word "authorized" in line 4, and insert in lieu thereof, the following: "and directed to pay out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to L. J. Powers, of Waterloo, Iowa, in full settlement of all claims against the United States for redemption of certain documentary revenue stamps now in the possession of said L. J. Powers; one known as serial no. 928, for \$500, and one known as serial no. 3577, for \$500: Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or re-



ceived by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended to read: "A bill for the relief of L. J. Powers."

JOHN A. BAKER

The Clerk called the next bill, H. R. 8486, for the relief of John A. Baker.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John A. Baker, of the city of Erwin, Tenn., the sum of \$300, rental due for the use of a rock crusher by the Civil Works Administration on a road project in the Unaka National Forest, Unicoi County, Tenn., for the period February 24 to June 1, 1934.

With the following committee amendments:

In line 6, strike out the figures "\$300" and insert in lieu thereof the following: "\$150 in full settlement of all claims against the United States for."

In line 8, strike out the name "Unaka" and insert in lieu thereof "Unaka."

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OLIVER FAULKNER

The Clerk called the next bill, H. R. 8506, for the relief of Oliver Faulkner.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury, on certification by the Secretary of the Interior, be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Oliver Faulkner, a sum determined by the Secretary of the Interior to be the fair and reasonable value of all improvements and the labor involved therein, not in excess of \$5,000 placed by him on the NE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 36, T. 17 S., R. 24 E., Tallahassee meridian, in the State of Florida, prior to November 4, 1926, the date of the cancellation of his homestead entry, erroneously allowed March 29, 1926.

With the following committee amendment:

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN HURSTON

The Clerk called the next bill, H. R. 8510, for the relief of John Hurston.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Hurston the sum of \$2,500 in full settlement of all claims against the Government for damages sustained by him on account of injuries received when stricken by a truck of the Civilian Conservation Corps being negligently operated near Dayton, Tenn., on May 8, 1935.

With the following committee amendments:

In line 5, strike out the words "John Hurston" and insert in lieu thereof the words "the legal guardian of John Hurston, La Fayette, Ga."

In line 6, strike out the figures "\$2,500" and insert in lieu thereof the figures "\$1,500."

In line 8, strike out the word "him" and insert "said John Hurston."

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. C. DONNELLY

The Clerk called the next bill, H. R. 8551, for the relief of J. C. Donnelly.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to J. C. Donnelly, former special disbursing agent of the Veterans' Administration at Johnson City, Tenn., the sum of \$216. Such sum was paid to the United States by the said J. C. Donnelly on account of a shortage in the amount of \$216 in his account, caused by the payment of such sum in June 1931 by the said J. C. Donnelly to the executor of the estate of Benjamin F. Henderson, who died July 7, 1930, while an inmate of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn. Such sum of \$216 represents the amount of pension funds standing to the credit of the said Benjamin F. Henderson at the time of his death, and the said J. C. Donnelly was directed to pay such sum to the executor of the estate of the deceased in partial reimbursement for burial expenses. The Comptroller General has disallowed such payment. The Comptroller General is authorized and directed to credit the account of the said J. C. Donnelly in the sum of \$216, and thereupon the said J. C. Donnelly and the surety on the bond of the said J. C. Donnelly, as special disbursing agent of the Veterans' Administration, are hereby relieved of any liability on account of the unpaid balance of such shortage.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

"That the Comptroller General of the United States is hereby authorized and directed to credit the account of J. C. Donnelly, former special disbursing agent of the Veterans' Administration at Johnson City, Tenn., with the sum of \$216, heretofore disallowed, such sum representing a payment by him out of pension funds standing to the credit of Benjamin F. Henderson, deceased, C-2525167.

"Sec. 2. The Comptroller General of the United States is further authorized and directed to pay to the said J. C. Donnelly such sum, not to exceed \$216, as may have been paid by him or withheld from any moneys due him to satisfy any shortage arising by the disallowance of claim for payment by him of pension moneys to the credit of Benjamin F. Henderson, deceased, C-2525167.



"Sec. 3. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sum as the Comptroller General may find to be due and payable to J. C. Donnelly under section 2 of this act, and payment by the Comptroller General shall be deemed to be in full and final settlement of any claim arising out of the disallowance."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNA MUETZEL

The Clerk called the next bill, H. R. 9023, for the relief of Anna Muetzel.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. COSTELLO and Mr. CLARK of Idaho objected, and, under the rule, the bill was recommitted to the Committee on Claims.

W. H. DEAN

The Clerk called the next bill, H. R. 9076, for the relief of W. H. Dean.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. H. Dean the sum of \$303 in full settlement of all claims against the United States for salary withheld from him for services rendered as foreman of construction work at the Rosebud Indian Agency, Rosebud, S. Dak., during July and August 1930.

With the following committee amendments:

In line 6, strike out the figures "\$303" and insert in lieu thereof the figures "\$200."

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK CORDOVA

The Clerk called the next bill, H. R. 9370, for the relief of Frank Cordova.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$770.16 to the superintendent of the Shoshone Indian Agency, Fort Washakie, Wyo., to be expended under regulations approved by the Secretary of the Interior, for the relief of Frank Cordova (also known as Frank Enos, Frank O'Neal, and Frank O'Neal Cordova), in full settlement of his claim against the United States on account of the erroneous distribution of funds, inherited from the estate of Dora Enos, deceased, to the heirs of Frank Enos, deceased: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

H. L. AND J. B. McQUEEN, INC.

The Clerk called the next bill, H. R. 9373, for the relief of H. L. & J. B. McQueen, Inc., and John L. Summers, former disbursing clerk, Treasury Department.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That notwithstanding the provisions of the act of March 1, 1919 (40 Stat. 1270), and the act of February 28, 1929 (45 Stat. 1400), the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of H. L. & J. B. McQueen, Inc., not exceeding \$86, for printing services performed during September 1934 for the Soil Erosion Service, for the dissemination of information at A Century of Progress Exposition, Chicago, Ill. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$86, or so much thereof as may be necessary for the payment of said claim.

Sec. 2. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of John L. Summers, former disbursing clerk, Treasury Department, with the sum of \$18.50, representing the amount paid by him to H. L. & J. B. McQueen, Inc., for printing services performed for the Soil Erosion Service, which payment has heretofore been disallowed by the Comptroller General: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REIMBURSEMENT OF ENLISTED MEN OF THE NAVY

The Clerk called the next bill, H. R. 9374, to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the radio direction-finder station, North Truro, Mass., on December 27, 1934.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$527.89, or so much thereof as may be necessary, to certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed as a result of fire at the radio direction-finder station, North Truro, Mass., on December 27, 1934: *Provided*, That the Secretary of the Navy shall determine the amount to be paid hereunder to each claimant and certify the same to the Secretary of the Treasury: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSEPH M. PURRINGTON

The Clerk called the next bill, H. R. 11052, for the relief of Joseph M. Purrington.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Agriculture be, and he is hereby, authorized and directed to consider, adjust, and determine the claim of Joseph M. Purrington on account of personal injuries and property damage resulting from an accident occurring February 25, 1931, at the Hawkins Bar Bridge, Trinity County, Calif., while performing work for the United States Forest Service, and to reimburse him in the amount found due, payment to be made from unexpended funds in the appropriation for salaries and expenses, Forest Service, fiscal year, 1931: *Provided*, That if said appropriation is exhausted or insufficient for the purposes of this act upon its approval, this claim shall be paid out of any money in the Treasury not otherwise appropriated, and the Secretary of Agriculture is directed to certify it for payment to the Secretary of the Treasury.

With the following committee amendment:

On page 2, line 6, after the word "Treasury", insert a colon and the following: "*Provided further*, That payment hereunder shall



be deemed to be in full settlement of such claim against the United States: *And provided further*, That no part of the amount paid by virtue of this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with this claim, any contract to the contrary notwithstanding, and the same shall be unlawful. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ADA MARY TORNAU

The Clerk called the next bill, S. 536, for the relief of Ada Mary Tornaau.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ada Mary Tornaau, the sum of \$225 in full settlement of all claims against the Government for injuries sustained on February 14, 1933, when she was struck by an icicle which fell from the roof of the Federal Building in Dubuque, Iowa: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### HOLYOKE ICE CO.

The Clerk called the next bill, S. 903, for the relief of the Holyoke Ice Co.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$146.85 to the Holyoke Ice Co., of Holyoke, Mass., in full settlement of all claims against the Government for ice furnished the post-office building at Holyoke, Mass., during the period of 1918 to 1922, inclusive: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GRACE PARK

The Clerk called the next bill, S. 2042, for the relief of Grace Park.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. John McShane, parents and guardians of Grace Park, of Stonington, Conn., the sum of \$500; to the Westerly Hospital, Westerly, R. I., the sum of \$68.70; and to Dr. H. M. Scanlon, of Westerly, R. I., the sum of \$100; said sums to be in full settlement of all claims against the United States for injuries received by said Grace Park October 17, 1934, near Stonington, Conn., when she was struck by a truck operated in the service of the United States Coast and Geodetic Survey, Department of Commerce: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person

violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "An act for the relief of Grace Park, a minor, the Westerly Hospital, and Dr. H. M. Scanlon."

#### MARY WELLER

The Clerk called the next bill, S. 2336, granting compensation to Mary Weller.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$4,848.45 to Mary Weller, of New Haven, Conn., in full settlement of all claims against the Government of the United States for injuries, resulting in the loss of her left eye, which she sustained in automobile accident caused by negligence of driver of Government-owned truck, on October 5, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### JOHN HOFFMAN

The Clerk called the next bill, S. 2942, for the relief of John Hoffman.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,500 to John Hoffman, of Mercer, Iron County, Wis., in full and final settlement of all claims against the Government of the United States for injuries sustained because of mistaken identity by Government agents on April 22, 1934, in their endeavor to apprehend one John Dillinger and his associates: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### JOHN MORRIS

The Clerk called the next bill, S. 2943, for the relief of John Morris.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 to John Morris, of Mercer, Iron County, Wis., in full and final settlement of all claims against the United States for injuries sustained because of mistaken identity by Government agents on April 22, 1934, in their endeavor to apprehend one John Dillinger and his associates: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim any contract to the contrary notwithstanding. Any person violating the provisions



of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. A. HAMMOND

The Clerk called the next bill, S. 3125, for the relief of J. A. Hammond.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. A. Hammond, of Laurel, Miss., the sum of \$120.10 in full settlement of all claims against the Government for injuries sustained by him on February 12, 1934, when an automobile in which he was riding collided with a truck of the Forest Service driven by G. A. Smith, Civilian Conservation Corps enrollee, on a Mississippi highway: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES GAYNOR

The Clerk called the next bill, S. 3367, for the relief of James Gaynor.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Comptroller General be, and he is hereby, authorized and directed to cancel the charge, in the amount of \$652.55, entered on the accounts of James Gaynor, postmaster at Springfield, S. Dak., by reason of his deposit of postal funds of the United States in the First National Bank of Springfield, S. Dak., and the subsequent failure of such bank.

Sec. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said James Gaynor the sum of \$74.55, such sum representing the amount paid by him to the United States in settlement of charge entered on his account by reason of the deposit of Treasury Savings funds in such bank and its subsequent failure.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### SETTLEMENT OF INDIVIDUAL CLAIMS FOR PERSONAL PROPERTY

The Clerk called the next bill, S. 3684, to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lucy E. Ahrens, Tacoma, Wash., \$21.90; to Fred S. Baxter, Tulare, Calif., \$353.61; to J. R. Duncan, Georgetown, Ky., \$30.04; to Harry France, Iowa City, Iowa, \$17.50; to Delmar Hammond, Ithaca, N. Y., \$10.50; to H. C. Ledford, Randle, Wash., \$20; to Patrick H. McBreen, Concord, Mass., \$49.50; to Capt. John L. Lewis, Seventeenth Field Artillery, Fort Bragg, N. C., \$11.75; to A. J. Marks, Maurine, S. Dak., \$7.90; to Monongahela West Penn Public Service Co., Marlinton, W. Va., \$82.11; to University of Tennessee Alumni Association, University of Tennessee, Knoxville, Tenn., \$105.80; to Water, Light, Power, and Building Commission, Grand Rapids, Minn., \$53.26; and to Clara B. Chapman, Jefferson City, Mo., \$15.10, in full settlement for damages sustained by reason of the operation of the Civilian Conservation Corps, which claims have been approved by the Secretary of War: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to

the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### FIRST GRANITE NATIONAL BANK, AUGUSTA, MAINE

The Clerk called the next bill, S. 3777, to authorize the Secretary of the Treasury to execute an agreement of indemnity to the First Granite National Bank, Augusta, Maine.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to execute, in the name of the United States, and deliver to the First Granite National Bank, Augusta, Maine, upon receipt from such bank of \$8,547.83, an agreement of indemnity binding the United States to make reimbursement to such bank upon condition that such bank is required to make payment to bona-fide holders upon presentation of check no. 21874, and dated July 1, 1926, in the amount of \$8,547.83, drawn by the First Granite National Bank, Augusta, Maine, on the New York Trust Co. of New York, payable to George W. Wood, president of the board of managers (post fund), at the request of the Eastern Branch, National Home for Disabled Volunteer Soldiers, Augusta, Maine: *Provided,* That the Secretary of the Treasury shall, upon receipt of \$8,547.83, as hereinbefore provided, credit the general post fund of the Veterans' Administration in that amount.

With the following committee amendment:

On page 2, line 10, after the word "amount", insert a colon and the following: *Provided further,* That if the First Granite National Bank, Augusta, Maine, is required to make payment to a bona-fide holder upon presentation of said check no. 21874, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$8,547.83 to said bank, pursuant to the terms of the indemnity agreement authorized by this act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### WILLIAM MITCHELL

The Clerk called House Joint Resolution 501, authorizing the President of the United States to award a posthumous Congressional Medal of Honor to William Mitchell.

Mr. HOPE and Mr. HANCOCK of New York objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.

#### THE ARMY BAND

The Clerk called the next bill, H. R. 10761, for the relief of the present leader of the Army Band.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent that an identical Senate bill (S. 3872) be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That from and after the date of approval of this act the present leader of the Army Band shall have the rank, pay, and allowances of a captain in the Army; and in the computation of his pay and allowances all service in the Army of whatever nature rendered by the said leader shall be counted as if it were commissioned service; and the said leader of the Army Band shall, at such time as the President in his discretion may direct, be entitled to retirement as a captain in the Army, in the same manner as other officers of the Army of such rank and length of service, computed as stated above, would be entitled to retirement.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The House bill (H. R. 10761) was laid on the table.

#### OUACHITA NATIONAL FOREST, ARK.

The Clerk called the next bill, H. R. 9217, to authorize the Secretary of Agriculture to release the claim of the United States to certain land within the Ouachita National Forest, Ark.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.



Mr. DOXEY. Mr. Speaker, there is an identical Senate bill now on the Speaker's desk (S. 3445), and I ask unanimous consent that it may be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the Secretary of Agriculture be, and he is hereby, authorized to execute a quitclaim deed to Andrew Jackson Talley and Becca Adeline Talley, releasing all right, title, and interest of the United States in and to the following-described lands:

Lots 5 and 6 in the northeast quarter section 2, township 4 north, range 24 west, fifth principal meridian, and that part of lots 7 and 8 in the northeast quarter of said section 2, described as follows:

Beginning at a point on the north line of lot 8, which is 8.70 chains west from the northeast corner of said lot and is a point in the center of the creek; thence upstream with the meanders of the creek, and following the thread thereof, south 59° west 1.40 chains; south 69° west exactly 1 chain; south 82°30' west exactly 3 chains; south 86° west exactly 1 chain; south 55° west exactly 1 chain; south 66° west exactly 2 chains; south 74° west exactly 3 chains; north 61° west 1.75 chains; north 55° west exactly 2 chains; south 77°30' west 1.25 chains; north 85° west 1.75 chains; north 13° west exactly 2 chains, which is a point on the north line of said lot 7; thence east with the north line of said lots 7 and 8 to the point of beginning, containing an area of 33.19 acres more or less.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The House bill (H. R. 9217) was laid on the table.

#### WELTON B. HUTTON

The clerk called the next bill, H. R. 10717, to provide for the holding of an examination by the Board of Optometry of the District of Columbia for a limited license to practice optometry in the District of Columbia for Welton B. Hutton.

Mr. HANCOCK of New York and Mr. HOPE objected, and, under the rule, the bill was recommitted to the Committee on the District of Columbia.

#### PIERRE PALLAMARY

The Clerk called the next bill, H. R. 7206, for the relief of Pierre Pallamary.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed (1) to make such alterations in the military record of Pierre Pallamary as may be necessary to eliminate from such record any statement to the effect that the said Pierre Pallamary was honorably discharged from the United States Army by reason of alienage, so that such record merely will show that the said Pierre Pallamary was honorably discharged on December 21, 1918, and (2) to amend the honorable discharge certificate of the said Pierre Pallamary so that it shall contain no statement to the effect that he was discharged by reason of alienage.

With the following committee amendment:

At the end of the bill add: "Provided, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ALEX LINDSAY

The Clerk called the next bill, H. R. 588, for the relief of Alex Lindsay.

Mr. HANCOCK of New York and Mr. HOPE objected, and under the rule the bill was recommitted to the Committee on Military Affairs.

#### FORT PECK INDIAN LAND

The Clerk called the next bill, H. R. 10642, conditionally validating a homestead entry for Fort Peck Indian land.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That homestead entry no. 058836, Great Falls series, of John R. Cavanaugh, erroneously allowed January 24, 1925, for lots 3 and 4 and the south half of the northwest quarter of section 3, township 32 north, range 51 east, Montana principal meridian, which lands had been classified as "coal" in character

and were withdrawn from entry April 28, 1922, be, and the same is hereby, validated, on the payment of all amounts due under existing law, the coal deposits to be reserved under the act of February 27, 1917 (39 Stat. 944).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### BRIG. GEN. EDWARD R. CHRISMAN

The Clerk called the next bill, S. 2021, to recognize the service of Brig. Gen. Edward R. Chrisman.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the President of the United States is hereby authorized and directed to designate Brig. Gen. Edward R. Chrisman, retired, as professor of military science and tactics emeritus at the University of Idaho, at Moscow, Idaho, during the remainder of his natural life.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ELLEN KLINE

The Clerk called the next bill, H. R. 1361, for the relief of Ellen Kline.

Mr. HANCOCK of New York and Mr. HOPE objected and, under the rule, the bill was recommitted to the Committee on Claims.

#### JAMES M. WINTER

The Clerk called the bill (H. R. 1754) to extend the benefits of the Employees' Compensation Act of September 7, 1916, to James M. Winter.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to extend to James M. Winter, on account of injuries sustained while working in his capacity as an employee of the Army Transport Service, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the limitations of time in sections 15 to 20, both inclusive, of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, are hereby waived in favor of James M. Winter, a former employee of the Army Transport Service, for disability alleged to have been incurred between September 16, 1918, and June 30, 1920, and the United States Employees' Compensation Commission is hereby authorized to receive and consider his claim under the remaining provisions of said act: *Provided*, That claim hereunder shall be made within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the approval of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### NELL MULLEN

The Clerk called the bill (H. R. 3706) for the relief of Nell Mullen.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of \$1,950 to Nell Mullen, in full settlement of all claims she may have against the Government for injuries received by her in the United States post-office building at Scranton, Pa.

With the following committee amendments:

Page 1, line 6, strike out "\$1,950" and insert "\$950"; and in page 1, line 6, after the word "Mullen", insert "of Scranton, Pa."

Page 1, line 9, after the word "Pennsylvania", insert "on December 22, 1924, when she slipped and fell because of the wet condition of the floor of said building: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.



The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM RANDOLPH CASON

The Clerk called the bill (H. R. 3763) for the relief of William Randolph Cason.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William Randolph Cason, of Greenville, S. C., out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, in full payment of all claims of the said William Randolph Cason for personal injuries received when a shell, which was left on the premises of the said William Randolph Cason by the armed forces of the United States at Camp Sevier, S. C., exploded while the land was being cleared for cultivation.

With the following committee amendments:

Page 1, line 6, strike out "\$5,000 in full payment of all claims of the said William Randolph Cason" and insert "\$2,000 in full settlement of his claim against the United States."

Page 2, line 5, after the word "cultivation", insert "on March 24, 1919: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KATE CARTER LYONS

The Clerk called the bill (H. R. 4276) for the relief of Kate Carter Lyons.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Carter Lyons, of Travelers Rest, S. C., out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 in full payment of all claims of the said Kate Carter Lyons for personal injuries received by her when she fell into an excavation on her property at the above address alleged to have been made by employees of the United States Coast and Geodetic Survey in January 1934.

With the following committee amendments:

Page 1, line 6, strike out "\$3,000 in full payment of all claims of the said Kate Carter Lyons" and insert in lieu thereof "\$1,000 in full satisfaction of her claim against the United States."

Page 1, line 10, after the word "address", strike out "alleged to have been made by the employees of the United States Coast and Geodetic Survey in January 1934" and insert "on June 4, 1934, said excavation having been made in January 1934 by employees of the Civil Works Administration in preparation for the placement of a United States Coast and Geodetic Survey monument therein: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BETHLEHEM FABRICATORS, INC.

The Clerk called the bill (H. R. 5491) for the relief of the Bethlehem Fabricators, Inc.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Bethlehem Fabricators, Inc., a corporation organized and existing under the laws of the State of Pennsylvania, and having its principal place of business at Bethlehem, Pa., is hereby authorized to bring suit against the United States of America in the Court of Claims to recover damages or compensation for any loss or losses which it may have suffered by reason of any work done, or moneys expended, in performing or attempting to perform any contract, formal or informal, or otherwise, with the United States Shipping Board or Emergency Fleet Corporation; or moneys expended or expenses incurred at the request of the officers of said United States Shipping Board or said Emergency Fleet Corporation, including unabsorbed overhead

and cost of plant extension, and damages suffered by reason of the cancellation of any contract.

Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, consider, and determine such action upon its merits and according to the equities of the case with the view of reimbursing the claimant for any losses or damages sustained in the matters aforesaid, and, notwithstanding section 156 of the Judicial Code or the lapse of time, to enter a decree or judgment against the United States for the amount of such damages as may be found due to said Bethlehem Fabricators, Inc.

Sec. 2. That upon final determination of such cause, if a decree or judgment is rendered against the United States, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay final judgment, which shall be paid to said Bethlehem Fabricators, Inc., or its duly authorized attorneys of record, by the Secretary of the Treasury upon the presentation of a duly authenticated copy of such final decree or judgment.

With the following committee amendment:

Page 2, strike out section 2.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPERRY GYROSCOPE CO.

The Clerk called the bill (H. R. 5625) for the relief of Sperry Gyroscope Co., Inc., of New York.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,833.70 in full settlement of all claims against the Government of the United States, to the Sperry Gyroscope Co., Inc., on remission of liquidated damages under contracts, covering self-synchronous gyrocompass course recorders and for alidades furnished the Brooklyn Navy Yard: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 5, strike out "\$2,833.70" and insert "\$2,833.77." Line 9, page 1, after the word "contracts", insert "nos. NOs-11163 and NOs-12737."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

EMMA M. PEARSON

The Clerk called the bill (H. R. 5754) for the relief of Emma M. Pearson.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits under the United States Employees' Compensation Act the statute of limitation be, and is hereby, waived in order to consider the claim for compensation on account of disability alleged to have been the result of services rendered as nurse and laboratory technician when said claimant was in the performance of duty in influenza epidemic of 1918.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the limitations of time in sections 15 to 20, both inclusive, of the act entitled 'An act to provide compensation for the employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, are hereby waived in favor of Emma M. Pearson, of Santa Monica, Calif., and the Employees' Compensation Commission is hereby authorized to receive and consider her claim, if filed within 6 months after the approval of this act, under the remaining provisions of the said act of September 7, 1916, as amended, for disability alleged to have been incurred by her while employed in the nurses' home, Fort Oglethorpe, Ga., between September 1918 and May 1919, or as laboratory technician at the General Hospital, Fort Sheridan, Ill., between May 1919 and October 1920: *Provided*, That no benefits shall accrue prior to the approval of this act."



The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

COMMITTEE ON PENSIONS—LEAVE TO SIT DURING SESSIONS OF HOUSE

Mr. GASQUE. Mr. Speaker, I ask unanimous consent that the Committee on Pensions may have permission to sit during the session of the House this afternoon.

The SPEAKER. Is there objection?

There was no objection.

THE PRIVATE CALENDAR

PRESTON BROOKS MASSEY

The Clerk called the bill (H. R. 6520) for the relief of Preston Brooks Massey.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legally appointed guardian of Preston Brooks Massey, the sum of \$10,000 in full satisfaction of all claims of the said Preston Brooks Massey against the United States for damages for personal injuries received by him on September 25, 1919, as the result of the explosion of a detonator, or other explosive, which had been left by troops of the United States Army near the home of said Preston Brooks Massey, located in Muscogee County, Ga.

With the following committee amendments:

Page 1, line 5, strike out "the legally appointed guardian of."

Page 1, line 6, strike out "\$10,000" and insert "\$2,000."

Page 1, line 7, strike out "all claims of the said Preston Brooks Massey" and insert "his claim."

Page 1, line 10, strike out "or other explosive."

Page 2, at the end of the bill, strike out the period, insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ASA C. KETCHAM

The Clerk called the bill (H. R. 6522) for the relief of Asa C. Ketcham.

Mr. HANCOCK of New York and Mr. HOPE objected, and the bill was recommitted to the Committee on Claims.

MARTIN J. BLAZEVICH

The Clerk called the bill (H. R. 6611) for the relief of Martin J. Blazeovich.

Mr. HOPE and Mr. HANCOCK of New York objected, and the bill was recommitted to the Committee on Claims.

JENNIE WILLIAMS

The Clerk called the bill (H. R. 6813) for the relief of Jennie Williams.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to Jennie Williams, widow of the late James F. Williams, of Newark, Ohio, who incurred physical disability while employed as a letter carrier at Newark, Ohio, and subsequently died. Such sum represents the approximate total amount of payments which would have been made to the said late James F. Williams under the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September —, 1916, as amended, if he had complied with the provisions of such act, as amended.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to receive and determine upon its merits any claim for death benefits filed by Jennie Williams as

widow of James F. Williams, who is alleged to have died July 3, 1928, as a result of disease contracted in the course of his employment as a letter carrier in the post office at Newark, Ohio, between December 17, 1917, and March 29, 1918, under the provisions of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, in the same manner and to the same extent as if notice of injury and claim for the benefits of said act had been filed within the 1-year period required by sections 17 and 20 thereof, and notwithstanding the limitation in the first paragraph of section 10 with respect to the occurrence of death within 6 years after injury: *Provided*, That claim hereunder shall be filed within 6 months after passage of this act: *Provided further*, That no benefits shall accrue prior to the passage of this act."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ALFRED J. WHITE AND M. J. BANKER

The Clerk called the bill (H. R. 6821) for the relief of Alfred J. White and M. J. Banker.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alfred J. White the sum of \$212.65 and to M. J. Banker the sum of \$276.05, for injuries received and losses sustained as a result of being run into by a motor truck of the United States Engineer Office, Second New Orleans District, New Orleans, La., on May 13, 1934.

With the following committee amendment:

Page 1, line 5, strike out "White the sum of \$212.65 and to M. J. Banker the sum of \$276.05" and insert: "White, of Addis, La., the sum of \$204.65; to M. J. Banker, of Mark, La., the sum of \$240; and to Charlyn DeBlanc, of Addis, La., the sum of \$8; in all, \$452.65, in full settlement of their claims against the United States."

Page 2, at the end of the bill strike out the period, insert a colon, and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended to read: "A bill for the relief of Alfred J. White, M. J. Banker, and Charlyn DeBlanc."

EMANUEL HRIBAL AND MARIE HRIBAL

The Clerk called the bill (H. R. 7382) for the relief of Emanuel Hribal and Marie Hribal.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Emanuel Hribal and Marie Hribal the sum of \$9,000, being the amount of damage done by Civil Works Administration workers (C. W. A. local project X-145; C. W. A. State project 9812) through the unauthorized cutting and destruction of valuable trees used as firewood and taken from the property beyond project limits.

With the following committee amendments:

Page 1, line 6, strike out "Hribal the sum of \$9,000, being the amount of" and insert "Hribal, of Solon, Ohio, jointly, the sum of \$1,750 in full settlement of their claim against the United States for."

Page 1, line 10, strike out "X 145" and insert "X-45, and on page 1, line 11, strike out "9812" and insert "9053."

Page 2, at the end of the bill, strike out the period, insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of



this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### ACME WIRE & IRON WORKS

The Clerk called the next bill, H. R. 7471, for the relief of the Acme Wire & Iron Works.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$3,547 to the Acme Wire & Iron Works, of Detroit, Mich., in payment of its claim arising under a contract with the Veterans' Administration.

With the following committee amendments:

Page 1, line 6, strike out "\$3,547" and insert "\$990."  
Page 1, line 8, strike out the word "arising" and insert "for liquidated damages assessed."

Page 1, line 9, after the word "contract" insert "No. VBC-785."  
Page 1, line 10, after the word "Administration" insert the following: "executed November 1, 1930, for the construction and finishing complete of certain window and radiator grilles at the Edward Hines, Jr., Hospital, Hines, Ill.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### DR. SAMUEL A. RIDDICK

The Clerk called the next bill, H. R. 7640, for the relief of Dr. Samuel A. Riddick.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. Samuel A. Riddick, the sum of \$186.11, in full settlement of all claims against the Government by the said Dr. Samuel A. Riddick for the loss of his instruments and personal effects destroyed in a fire at port of embarkation, Newport News, Va., in January 1919.

With the following committee amendments:

Page 1, line 6, after the word "Riddick" insert "of Norfolk, Va."; page 1, line 10, after the figures, insert a colon and the following: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MRS. J. A. JOULLIAN

The Clerk called the next bill, H. R. 7861, for the relief of Mrs. J. A. Joullian.

The SPEAKER. Is there objection?

Mr. COSTELLO. Mr. Speaker, I object.

There being no further objection the Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of \$1,315.72 to Mrs. J. A. Joullian for services performed by her now-deceased husband, J. A. Joullian. Such sum represents the amount which would have been payable to her husband under a contract which he had with the United States should he have been able to comply with certain specifications contained in the contract.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. J. A. Joullian, Ocean Springs, Miss., the

sum of \$1,315.72 in full satisfaction of her claim against the United States for the value of services rendered and work performed by her now-deceased husband, J. A. Joullian, under a contract entered into during January 1926 with the Army engineers for the drilling of a well on the United States Reservation, Pascagoula, Miss.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EDWARD P. OLDHAM, JR.

The Clerk called the next bill, H. R. 7864, for the relief of Edward P. Oldham, Jr.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$19,208.86 to Edward P. Oldham, Jr., for injuries sustained as a result of being struck by a Government-owned truck of the Civilian Conservation Corps driven by a member of Civilian Conservation Corps Camp F9A, Flagstaff, Ariz., on July 22, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 5, strike out "\$19,208.86" and insert "\$5,000"; page 1, line 6, after the word "Junior", insert "of Flagstaff, Ariz., in full satisfaction of his claim against the United States."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MERRITT REA

The Clerk called the next bill, H. R. 7886, for the relief of Merritt Rea.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$217.50 to Merritt Rea for medical and hospital expenses resulting from injury sustained by the said Merritt Rea while employed in the Norfolk Navy Yard, at Portsmouth, Va., on February 9, 1934.

With the following committee amendments:

Page 1, strike out lines 3, 4, and 5 and insert "That the Employees' Compensation Commission is hereby authorized and directed to pay, from the Employees' Compensation Fund"; page 1, line 8, after the word "Rea", insert "of Portsmouth, Va., in full satisfaction of his claim against the United States"; page 1, line 11, strike out "the said Merritt Rea" and insert the word "him"; page 2, line 1, after the figures, insert a colon and the following: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CLAUDE CURTEMAN

The Clerk called the next bill, H. R. 8705, for the relief of Claude Curteman.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money



in the Treasury not otherwise appropriated, to Claude Curteman, of the city of Ontario, Calif., the sum of \$2,376 in full settlement of all claims against the Government of the United States for all injuries sustained by him on April 1, 1934, when an automobile in which he was riding was in collision with a United States Government truck being carelessly and negligently operated by a member of the Civilian Conservation Corps.

With the following committee amendments:

Page 1, line 6, strike out "\$2,376" and insert "\$1,876"; page 2, line 1, after the word "Corps", insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK POLANSKY

The Clerk called the next bill, H. R. 8706, for the relief of Frank Polansky.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Polansky, of the city of Ontario, Calif., the sum of \$1,525.10 in full settlement of all claims against the Government of the United States for all injuries sustained by him on April 1, 1934, when an automobile in which he was riding was in collision with a United States Government truck being carelessly and negligently operated by a member of the Civilian Conservation Corps.

With the following committee amendments:

Page 1, line 8, after the word "injuries", insert "and property damage."

Page 2, line 1, after the word "Corps", insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. F. U. PAINTER ET AL.

The Clerk called the next bill, H. R. 9125, for the relief of Dr. F. U. Painter, Dr. H. A. White, Dr. C. P. Yeager, Dr. W. C. Barnard, Mrs. G. C. Oliphant, Amelia A. Daimwood, the Sun Pharmacy, Bruno's Pharmacy, Viola Doyle Maguire, Louise Harmon, Mrs. J. B. Wilkinson, Sisters of Charity of the Incarnate Word, Grace Hinnant, and Jennie Chapman.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to (1) Dr. F. U. Painter the sum of \$250; (2) Dr. H. A. White the sum of \$10; (3) Dr. C. P. Yeager the sum of \$60; (4) Dr. W. C. Barnard the sum of \$50; (5) Mrs. G. C. Oliphant the sum of \$6.50; (6) Amelia A. Daimwood the sum of \$162; (7) the Sun Pharmacy, Corpus Christi, Tex., the sum of \$2.65; (8) Bruno's Pharmacy, Corpus Christi, Tex., the sum of \$86.80; (9) Viola Doyle Maguire the sum of \$39; (10) Louise Harmon the sum of \$6; (11) Mrs. J. B. Wilkinson the sum of \$133.50; (12) Sisters of Charity of the Incarnate Word, Spohn Sanitarium, Corpus Christi, Tex., the sum of \$239; (13) Grace Hinnant the sum of \$35; and (14) Jennie Chapman the sum of \$126. The payment of such sums to such payees shall be in full settlement of their respective claims against the United States for reimbursement for medical and hospital treatment, nursing care, and medical supplies furnished to Frank John Ordener, late seaman, first class, United States Navy, during his acute and fatal illness in Corpus Christi, Tex., where he was stricken on July 19, 1928, while on leave of absence from his vessel.

With the following committee amendments:

Page 2, line 10, strike out the word "and."

Page 2, line 11, after "\$126", insert "and (15) Dr. E. O. Arnold the sum of \$10."

Page 2, line 19, after the word "vessel", insert "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill for the relief of Dr. F. U. Painter, Dr. H. A. White, Dr. C. P. Yeager, Dr. W. C. Barnard, Mrs. G. C. Oliphant, Amelia A. Daimwood, the Sun Pharmacy, Bruno's Pharmacy, Viola Doyle Maguire, Louise Harmon, Mrs. J. B. Wilkinson, Sisters of Charity of the Incarnate Word, Grace Hinnant, and Dr. E. O. Arnold."

A motion to reconsider was laid on the table.

EVELYN HARRIETT B. JOHNSTONE

The Clerk called the next bill, H. R. 9153, for the relief of Evelyn Harriett B. Johnstone.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Evelyn Harriett B. Johnstone, of San Francisco, Calif., the sum of \$5,000 for damages sustained on March 5, 1935, when she was injured by a bullet fired by a Federal narcotic officer who was in pursuit of a suspect fugitive.

With the following committee amendments:

In line 7, strike out the figures "\$5,000" and insert in lieu thereof the figures and clause "\$1,000, in full settlement of her claim against the United States."

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. P. MOORE

The Clerk called the next bill, H. R. 9190, for the relief of J. P. Moore.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. P. Moore, Amarillo, Tex., the sum of \$558.60. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said J. P. Moore on account of personal injuries received by his minor son, George Thomas Moore, who was hit on November 25, 1933, by a Government-owned bus in the service of the Bureau of Mines, Department of Commerce.

With the following committee amendments:

In line 6, strike out the figures "\$558.60" and insert in lieu thereof "\$200."

In line 12, strike out the word "Commerce" and insert in lieu thereof "the Interior."

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.



The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**FOOT'S TRANSFER & STORAGE CO., LTD.**

The Clerk called the next bill, H. R. 9208, for the relief of Foot's Transfer & Storage Co., Ltd.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Foot's Transfer & Storage Co., Ltd., the sum of \$450. The payment of such sum shall be in full satisfaction of the claim of such company for compensation for the handling of additional mails through the San Pedro (Calif.) post office by reason of the longshoremen's and seamen's strike during 1934.

With the following committee amendments:

In line 7 strike out the words "the claim" and insert in lieu thereof "all claims."

In line 8, after the word "company", add "against the United States."

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**W. D. LOVELL**

The Clerk called the next bill, H. R. 10225, for the relief of W. D. Lovell.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. D. Lovell, the sum of \$2,144.12, in full settlement for furnishing additional terra cotta in the United States post office and courthouse at Billings, Mont., for which the Government received the benefit but for which no payment whatever has been made to the said claimant under contract no. Tisa 3630, with the United State Supervising Architect's Office, Treasury Department.

With the following committee amendments:

In line 5, after the name "Lovell", insert the words "of Minneapolis, Minn."

In line 6, strike out the figures "\$2,144.12" and insert "\$1,949.20."

In line 6, also, after the word "settlement", insert the words "of his claim against the United States."

In line 10, after the figures "3630", insert a comma and the words "dated October 25, 1932."

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**MR. AND MRS. WILLIAM O'BRIEN**

The Clerk called the next bill, H. R. 10565, for the relief of Mr. and Mrs. William O'Brien.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in

the Treasury not otherwise appropriated and in full settlement against the Government, the sum of \$5,000 to Anna O'Brien and William O'Brien, parents of Violet Lilly O'Brien, who died of injuries received as a result of a collision between a truck operated by Walter Marg, Fairchild, Wis., and a United States Civilian Conservation Corps truck: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any persons violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 7, after the name "William O'Brien", insert the words "of Neillsville, Wis."

Page 1, line 8, after the word "collision" insert the words "on April 1, 1935."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**CATHARINE L. KLEIN**

The Clerk called the next bill, H. R. 10575, for the relief of Catharine L. Klein, widow of Nelson B. Klein, special agent of the Federal Bureau of Investigation of the Department of Justice, who was killed in line of duty.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Catharine L. Klein, widow of Nelson B. Klein, special agent of the Federal Bureau of Investigation of the Department of Justice, killed in line of his official duty: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 6, strike out the initial "L." and insert in lieu thereof the initial "I."

Page 1, line 8, after the word "duty", insert the words "at College Corner, Ohio, on August 16, 1935:"

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended to read: "A bill for the relief of Catharine I. Klein."

**HARRY WALLACE**

The Clerk called the next bill, H. R. 10991, for the relief of Harry Wallace.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000 to Harry Wallace, of Polkadotte, Ohio, in full satisfaction of all claims against the Government of the United States for permanent injuries sustained and for medical and hospital expenses incurred by him and for the destruction of his automobile on September 29, 1934, when the automobile in which he was riding and which belonged to him was struck and completely demolished by a Government automobile truck operated by one of the employees of and in connection with the Civilian Conservation Corps stationed at Camp Dean, Lawrence County, Ohio, for which said automobile truck was at that time being used on official business and being operated on State Highway No. 141, in Lawrence County, Ohio, near Ironton, Ohio: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered



to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 5, strike out "\$20,000" and insert "\$7,500."

Mr. COSTELLO. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Mr. COSTELLO offers the following amendment to the committee amendment: Strike out "\$7,500" and insert "\$5,000."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

H. R. HEINICKE, INC.

The Clerk called the next bill, H. R. 11346, for the relief of H. R. Heinicke, Inc.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of H. R. Heinicke, Inc., for reimbursement of expenses incurred in March 1934 in connection with the cleaning and pointing of the east and west wings of the Administration Building, Department of Agriculture, and to allow in full and final settlement of said claim an amount not exceeding the sum of \$503.98. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$503.98, or so much thereof as may be necessary, for the payment of such claim.

With the following committee amendment:

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY HEMKE

The Clerk called the next bill, H. R. 11486, for the relief of Mary Hemke.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Edward Hemke, deceased, former postmaster at Weisburg, Ind., in the sum of \$101.89, and to certify such credit to the Comptroller General. Mary Hemke, widow of the said Edward Hemke, performed the duties of postmaster at the post office at Weisburg from January 8, 1933, the day after the date of the death of the said Edward Hemke, to May 11, 1933 (both dates inclusive), on which latter date the successor postmaster assumed charge of such post office pursuant to his appointment by the Postmaster General, and such sum represents the amount of compensation which Mary Hemke would receive if she had been designated acting postmaster.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following: "That the Comptroller General of the United States is authorized and directed to credit the account of Edward Hemke, deceased, former postmaster at Weisburg, Ind., in the sum of \$101.01, withheld from the receipts of the office by Mary Hemke, widow of the said Edward Hemke, who, without prior designation by the Postmaster General, performed the duties of

postmaster at the post office at Weisburg from January 8, 1933, the day after the death of said Edward Hemke, to May 10, 1933, both dates inclusive, such sum representing the amount of compensation which Mary Hemke would have been entitled to receive had she been regularly designated as acting postmaster for such period."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PURCHASERS OF LANDS IN THE BOROUGH OF BROOKLAWN, N. J.

The Clerk called the next bill, H. R. 11573, to amend the act entitled "An act for the relief of certain purchasers of lands in the borough of Brooklawn, State of New Jersey", approved August 19, 1935.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 1 of the act entitled "An act for the relief of certain purchasers of lands in the borough of Brooklawn, State of New Jersey", approved August 19, 1935, is amended (1) by striking out the words "by them", (2) by striking out the words "and interest", and (3) by inserting immediately after the words "Treasury of the United States" a comma and the following: "prior to January 1, 1931."

Sec. 2. The appropriation made in section 2 of such act approved August 19, 1935, shall be available for making refunds under such act of August 19, 1935, as amended by this act.

With the following committee amendment:

Page 1, line 6, after the word "amended", strike out the remainder of the line 6 and all of lines 7, 8, and 9 and insert "to read as follows: That the United States Shipping Board Bureau is authorized and directed to make refunds to present owners of lands in the borough of Brooklawn, in the State of New Jersey, which have been purchased from the United States, of 14 percent of the purchase price of such purchased lands where the full purchase price of said lands or where the full amount of principal due on purchase-money bonds and mortgages given to the United States of America, represented by the United States Shipping Board, covering such lands, has been paid by such owners into the Treasury of the United States, prior to November 1, 1931."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COHEN, GOLDEN & CO., INC.

The Clerk called the next bill, S. 1041, for the relief of Cohen, Goldman & Co., Inc.

Mr. COSTELLO, Mr. HOPE, and Mr. MOTT objected, and under the rule, the bill was recommitted to the Committee on Claims.

ABRAHAM GREEN

The Clerk called the next bill, S. 1824, for the relief of Abraham Green.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Abraham Green, of Manchester, N. H., out of any money in the Treasury not otherwise appropriated, the sum of \$2,000, which sum represents the loss sustained by the said Abraham Green on the bail bond of William Treinish, who was afterward captured, convicted, and sentenced for violation of the National Prohibition Act: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Strike out all after the enacting clause down to the word "act", on line 10, page 1, and insert the following: "That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 to Abraham Green, of Manchester, N. H., in full satisfaction of his claim against the United States for the amount of bail bond placed by him to secure the appearance of one William Treinish on a charge of violation of the National Prohibition Act. The said Treinish failed to appear on September 19, 1929, but he was afterward captured through the joint efforts of the Government and Abraham Green, convicted, and sentenced to imprisonment, without additional cost to the United States: *Provided*."

The committee amendment was agreed to.



The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

UNITED POCAHONTAS COAL CO., CRUMPLER, W. VA.

The Clerk called the next bill, S. 2697, for the relief of the United Pocahontas Coal Co., Crumpler, W. Va.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That notwithstanding the provisions and limitations of the revenue laws relating to refunds of overpayments of taxes, the Secretary of the Treasury and/or the Commissioner of Internal Revenue is authorized and directed to receive and consider the claim for refund of overpayment of income and excess-profits taxes assessed for the year 1919 against the United Pocahontas Coal Co., of Crumpler, W. Va., which claim was disallowed for failure to file within the statutory period of limitations: *Provided*, That in considering the claim for refund of overpayment of income and excess-profits taxes assessed for the year 1919 the Secretary of the Treasury and/or the Commissioner of Internal Revenue shall take into consideration any offset or collection of any tax found to be due from the said United Pocahontas Coal Co. Such claim may be instituted within 6 months after the date of enactment of this act.

With the following committee amendment:

On page 2, line 7, after the word "act", insert a colon and the following: "Provided further, That in the settlement of said claim there shall be no allowance of interest."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIM OF THE CANAL DREDGING CO.

The Clerk called the next bill, S. 2747, conferring jurisdiction upon the United States Court of Claims to hear the claim of the Canal Dredging Co.

Mr. HOPE and Mr. MOTT objected, and, under the rule, the bill was recommitted to the Committee on Claims.

ROSE STRATTON

The Clerk called the next bill, S. 2922, for the relief of Rose Stratton.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rose Stratton, of New Haven, Conn., the sum of \$1,097.77, in full satisfaction of all claims of the said Rose Stratton against the United States for damages for personal injuries sustained by her as the result of a collision at the intersection of Wall and College Streets, New Haven, Conn., on November 4, 1930, between a United States mail truck operated by John H. Farrell, Jr., an employee of the Post Office Department, and the automobile in which she was a passenger, operated by Margaret Lawrence of such city: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

SEC. 2. Payment shall not be made under this act until the said Rose Stratton has released all her claims against the said John H. Farrell, Jr., in a manner satisfactory to the Secretary of the Treasury.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

VERMONT TRANSIT CO., INC.

The Clerk called the next bill, S. 3655, for the relief of the Vermont Transit Co., Inc.

The being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Vermont Transit Co., Inc., of Burlington, Vt., out of any money in the Treasury not otherwise appropriated, the sum of \$1,648.33 in full satisfaction of its claim against the Government of the United States for damage to motor passenger coach (or bus) no. 151, as a result of an accident involving a Government vehicle operated in connection with the Civilian Conservation Corps, at Montpelier, Vt., on August 31, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with

said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOHN B. H. WARING

The Clerk called the next bill, H. R. 10785, for the relief of John B. H. Waring.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, or benefits upon officers retired from active service in the United States Army for physical disabilities incurred in the line of duty John B. H. Waring, formerly captain, Medical Corps, United States Army, shall be held and considered to have been retired with the rank of captain from active service on May 5, 1917, for physical disability incurred in line of duty, and he shall be entitled to receive retired pay from such date.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

GUIDEO BISCARO ET AL.

Mr. BEITER. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 4915) for the relief of Guidéo Biscaro and others, No. 982 on the Private Calendar.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. COCHRAN. Mr. Speaker, reserving the right to object, this bill involves the refund of a bond?

Mr. BEITER. The gentleman is correct.

Mr. COCHRAN. Mr. Speaker, I object.

C. C. C. CAMPS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, day before yesterday marked the third anniversary of the Civilian Conservation Corps, the relief and reforestation organization initiated by President Roosevelt within a few weeks after he took office in 1933.

Inaugurated to promote the conservation of the country's resources and to relieve the desperate unemployment situation among young men which held the country in its grip 3 years ago, this forest-camp organization has, during the 3 years in which it has been in operation, entrenched itself as an important factor in the country's social and governmental structure. Its popularity is strongly demonstrated by the overwhelming demand for camps which is constantly expressed in letters to the Director, to the technical services, and to Congress from residents of the States where men are working.

In this connection, Mr. Speaker, I should like to read from an Associated Press dispatch dated Lincoln, Nebr., March 18, 1936, which is taken from the Hastings Tribune:

C. C. C. camps were credited today with almost a 25-percent reduction in the population of the Nebraska Reformatory in 3 years.

The decrease was the only substantial reduction in the number of State wards in any of its 17 penal or charitable institutions in recent years, a survey showed.

Prior to 1933, when the C. C. C. was created, the population of the reformatory showed an almost uninterrupted increase. At the beginning of 1933 the institution housed 402 young men. The next year the number dropped to 345, and 1936 saw a further reduction to 306.

H. W. Jespersen, reformatory superintendent, said he could "see no other reason for the decrease."

"The C. C. C. camps keep young men out of trouble", he said.

[Applause.]

In formulating his plan for the organization of the Civilian Conservation Corps, the President had in mind the conservation of two of the country's greatest assets—her youth



and her forests. In 1933 unemployment represented a serious and in some instances a critical problem in every civilized nation. Young men graduating or dropping out of high schools and colleges had little chance of finding employment. The President recognized that the existence of the situation formed by these young men without jobs—many of them without enough to eat—constituted a social problem of great importance.

He was also keenly aware of the depleted state of our great natural resources. Both Federal and State foresters have for years called attention to the fact that our forest lands were being destroyed at a rate which exceeded that at which the timber was being grown. Destructive fires swept over an average of 41,000,000 acres of timber each year. Tree insects and diseases caused damages estimated at millions of dollars. Due to neglect, millions of acres of valuable agricultural land were being depleted through the loss of rich top soil.

It was to correct these conditions—to take young unemployed men from depression-hit homes and place them at work in healthful surroundings and to conserve valuable natural resources—that the Civilian Conservation Corps was formed.

The authority for emergency conservation work—the C. C. C.—was provided by act of Congress approved March 31, 1933, and extended by the Emergency Relief Appropriation Act of 1935. On April 5, 1933, Robert Fechner was appointed director of emergency conservation work, and four existing Government Departments—War, Interior, Agriculture, and Labor—were directed by the President to cooperate in the launching of a huge conservation, reforestation, and relief program.

Soon after the Emergency Conservation Work program was authorized, steps were taken to put into operation a great chain of forest camps where unmarried men between the ages of 18 and 25—since changed to 17 and 28—could be given healthful, outdoor employment on projects which would not only enhance the present value of our national resources but which would increase their usefulness to future generations. On April 7, 1933, the first young man was enrolled for camp duty and 10 days later the first camp was established. By July 1 a total of 1,300 two-hundred-man camps had been established and more than 250,000 young men enrolled. At the President's direction arrangements were made to allow 25,000 veterans to enroll, and these men were in camps before the end of July. At the request of the Department of the Interior, Director Fechner allocated funds to the Office of Indian Affairs for the purpose of carrying on C. C. C.-type work on Indian reservations. Later the work was expanded to provide for the extension of conservation activities to Hawaii, Alaska, the Virgin Islands, and Puerto Rico. Approximately 4,000 men are now enrolled from these Territories.

During the summer of 1935 the C. C. C. was expanded to a peak of 519,000 enrolled men. As of March 15, 1936, there were approximately 380,000 enrollees in barrack camps in the continental United States, 8,400 Indians on Indian reservations, and 3,900 men in the Territories of Alaska, Hawaii, Puerto Rico, and the Virgin Islands. In addition to enrolled personnel, employment has also been afforded foresters and technical experts employed to supervise the work program, Reserve officers assigned to command the camps, and skilled and unskilled workers employed in the construction of the camps.

The basic cash allowance of enrolled men in the C. C. C. has been \$30 a month. With few exceptions men have allotted approximately \$25 each month to their dependents.

During the 3 years that it has been in operation the Civilian Conservation Corps has been of great benefit not only to the men but also to the forests, parks, and agricultural areas threatened with erosion. Up to date approximately a million and a half persons—most of them youngsters 17 and 18 years of age—have been given jobs on healthful, outdoor work, which has enabled them to improve themselves physically and at the same time contribute substantially to the support of their dependents.

The Civilian Conservation Corps work program has included the protection of forests against fire, disease, insects,

and other pests, the development of national and State parks and other recreational areas through the construction of recreation facilities, roads, trails, landscaping, and so forth; the protection of valuable farm lands against soil erosion, flood control, irrigation and drainage, wildlife conservation, and so forth. It is estimated by officials of the Department of the Interior and the Department of Agriculture, which supervise the work programs, that the present value of the conservation work completed by Civilian Conservation Corps men, as of September 30, 1935, is approximately \$579,000,000. This figure does not include estimates of the increase in values which will occur on many projects and the large savings which were possible because of such operations as fighting forest fires, controlling insect pests and diseases, and so forth.

Fire protection has been stressed as a major C. C. C. activity. To combat fire effectively, trails through the forests are necessary and telephone communications, lookout towers, houses, and firebreaks are needed. During the past 3 years, great strides have been made in providing such facilities. Next to forest-fire protection, the control of tree-attacking diseases and pests, such as the white pine blister rust, the gypsy moth, the Dutch elm disease, and the pine-bark beetle, has been an important forest protective activity of the C. C. C.

An outstanding example of the C. C. C.'s contribution to the national welfare—and of the popular attitude toward that contribution—may be found in the work of the more than 20 veteran companies of the C. C. C. in the Winooski Valley, Vt. During the last 3 years, these men have been working on a flood-control system designed to prevent the recurrence of the disastrous floods which occurred in that area in 1927, when millions of dollars' worth of property and many lives were lost in a severe flood. The success of the flood-control dams completed by the C. C. C. at East Barre and Wrightsville is indicated by the following excerpt from a report from the commanding officer of the camp there, forwarded to the Director of Emergency Conservation Work by The Adjutant General of the War Department:

The chief topic of conversation with any citizen in this part of the country, during the past week, has been the effect of the dams in East Barre and Wrightsville, in protecting the cities of Barre and Montpelier from a repetition of the devastating flood of November 3-4, 1927. The effect of these dams in protecting this heavily populated area and the Winooski Valley has received universal acclaim. Everyone is in accord as to their usefulness. All acknowledge their protection. Many speak of the protection of these dams with considerable emotion, especially those whose property would otherwise have been endangered.

The WBEV Radio Station at Waterbury kept in operation throughout the flood period. The announcer voiced repeatedly expressions of their appreciation of the effect of the flood-control dams. One has heard the announcer state, "We Vermonters are eternally grateful to the Civilian Conservation Corps for the dams which were constructed by them."

Some have estimated that had not the Jail Branch of the Winooski which passes through the town of Barre, been controlled by the East Barre Dam, Barre would have been completely flooded and half of the business section would have been bankrupt. I mention this as a statement from one of its leading citizens. The very definite contribution of the dams to the protection of the Winooski Valley has been universally acknowledged. The people are very grateful in consequence. The dams have demonstrated that they have paid for themselves in the destruction they have prevented.

The recent flood has been a means of raising the morale of the veterans of the Civilian Conservation Corps in this district who contributed their efforts to the construction of these dams. They have felt that their efforts have been rewarded and that their enormous amount of labor was not in vain. They have received assurances from all quarters that they have made an enduring contribution to the protection of the Winooski Valley.

Then there is that example of another type of outstanding service which the corps has been constantly performing since its inception. That is the relief activity of the enrollees of the corps during the recent floods and the floods in New York State last year, when, by their prompt action in the rescuing of people caught in the flood area, helping them to evacuate their homes, and in the clean-up work that followed, to avoid a pestilence, they have rendered such outstanding service.

Another Civilian Conservation Corps project which will have a broadly beneficial effect on the public is the



reclamation of the Skokie Marshes outside of Chicago. Here 10 companies of the C. C. C., grouped together in one large camp, are redeeming several hundred acres of lowland, the breeding ground of millions of mosquitoes, and are making it into an attractive recreational center for the citizens of Chicago and the surrounding countryside.

The conservation of wildlife is one of the objectives of the C. C. C. program, expressed indirectly in the protection of wildlife and of natural food conditions on the forest and park projects and more directly in the development of fish hatcheries, bird sanctuaries, and so forth. In West Virginia the C. C. C. has been a boon to fishermen, for it has restored fishing streams which were being polluted by seepage from nearby mines.

Arno B. Cammerer, Director of the National Park Service, recently advised Director Fechner that Civilian Conservation Corps enrollees had been of great assistance to the National Park Service in holding down forest-fire losses in the national parks and monuments during 1935. Mr. Cammerer said that with the aid of the C. C. C. the National Park Service had been able to register a marked improvement in fire suppression within the national parks and monuments during the fire season just closed.

Civilian Conservation Corps enrollees have been trained by National Park Service rangers into effective and efficient fire-fighting groups at each camp—

Said Mr. Cammerer:

A certain group of enrollees at the various camps have been selected and trained in fire protection and suppression technique and are always ready for action when a forest blaze develops. This last year was a hazardous one for conflagrations, but the prompt work of both the enrollees and the regular force of park officials resulted in the control of more fires at less cost and less loss of acreage than has been the case in previous years.

Before the advent of the C. C. C. into the national parks and monuments in 1933, the areas administered under the direction of the National Park Service lacked sufficient fire-fighting personnel. There was consequently the ever-present dread of some blaze sweeping out of control and destroying many areas of valuable forest land. This cooperation in fire protection and suppression work is without doubt one of the most valuable contributions of the Civilian Conservation Corps.

Extracts from a memorandum sent by the Forest Service to Director Fechner tell how the C. C. C. aided in forest-fire prevention and suppression work on forest lands, follow:

The presence of the Civilian Conservation Corps camps themselves upon national, State, and other forest areas, has done much to prevent and reduce fire losses in the Nation's timberlands. Under the direction of and trained by Forest Service officers, the youthful enrollees have been on the spot to stop blazes caused by careless smokers, brush and grass fires, campfires, lightning, and numerous other causes before they have gained sufficient headway to become dangerous.

In addition to quick action in preventing forest fires, the United States Forest Service and State forestry departments are beginning to reap returns from the work the boys have performed during the 30 months the corps has been in existence. Serious obstacles to efficient fire control have been removed by these young forest workers.

The C. C. C. has aided in the establishment of more fire-detection stations; it has greatly expanded the means of communication, pushed roads and trails, and built airplane landing fields in previously inaccessible areas, and has acted as a reservoir of manpower to act upon a moment's notice.

The Forest Service's 1935 record shows that although a larger number of fires was reported on the national forests than in 1934, only about 38 percent of 1934's losses were suffered. Notable 1935 fires upon which the C. C. C. served with distinction were the Malibu fires in California and the Sims fire at McKenzie Bridge in Oregon. The Forest Service named as the year's outstanding fire-control accomplishment the prompt suppression of two fires on the Angeles National Forest, which occurred at the same time and adjacent to the Malibu fire. Here, by means of quick detection, speedy attack by Forest Service officers and C. C. C. units trained in fire fighting, plus the facilities of C. C. C. built trails, roads, and firebreaks, both outbreaks were controlled within 24 hours, holding the loss to 1,900 acres despite unfavorable weather conditions.

In addition to giving employment to a vast army of young men and pushing forward an unprecedented forest and park protection and improvement program, the C. C. C. has aided industry by affording a cash market for the sale of hundreds of millions of dollars' worth of materials and equipment needed in the operation of the Nation-wide chain of forest camps. Industries which have been greatly aided by the C. C. C. program include the automotive, food, heavy ma-

chinery, building, and textile industries. Railroads also have received millions of dollars' worth of business.

In discussing the accomplishments of the Civilian Conservation Corps, however, I wish to stress the benefits which have accrued to the enrolled men of the corps, both in the improvement of their health and in the improvement of their mental outlook.

Care of the health of the C. C. C. enrollees starts at the time of enrollment, as only those men are selected who can stand work in the forests and who are free from contagious disease. When the enrollees are accepted, they are sent at once to camps and are kept under careful medical supervision. Smallpox and typhoid vaccinations are given immediately. A medical officer is assigned to each camp to look after the health of the men. Not only does he take care of the sick and the injured but he is responsible for the sanitation of the camp, the protection of the water supply, seeing that the men get proper food and bathing facilities, providing first-aid instruction, and giving lectures on personal hygiene and disease prevention.

A recent survey of 14,000 enrollees, selected at random from all sections of the country, showed an average weight gain per man of between 8 and 12 pounds during a 6-month enrollment period.

The social effects of enrollment in the C. C. C., though just as important, are less tangible. Robert Fechner, Director of Emergency Conservation Work, in a recent address on What the C. C. C. Means to the Youth of the Country, said:

Frequently the question is asked concerning the C. C. C., "Is this enterprise conserving the human resources of the country as well as the natural resources?" This question was put to our State directors of selection some months ago. A Nation-wide response was received. These reports reveal the favorable reaction of the boys, their families, and local citizenry everywhere to the increased human values which have resulted from this work.

Thousands of actual case records reflect the fact that C. C. C. men have returned to their homes, definitely benefited physically and mentally, with a brighter outlook toward the future, with a stronger sense of self-reliance and an increased ability to adjust themselves to economic conditions.

Among the letters which have come to the office of the director from members of the corps, parents, social workers, and others is the following vivid first-hand account of a boy's enrollment in the corps:

"I was unemployed and roaming the streets. The idea of entering the Civilian Conservation Corps was brought rather forcibly to my attention by an article in the newspaper. I joined and found the ideal set-up. In so vast an organization I was amazed to find it even greater and better than my friends had told me.

"Not the kind of life the average person is accustomed to, but a life where the work is not killing, the food is good, there is no dust and smoke to choke the lungs, and where at night, instead of the constant banging of the traffic, one is lulled to sleep by the elements. Eating was far the greatest benefit I have received. At one time only certain foods were agreeable to me. Not that I didn't like them, but they were unhealthy to me. But bring on the foodstuffs now.

"Underweight to almost an emaciated degree I have gained 24 pounds since entering the Conservation Corps, and it was all put on while working on the pick and shovel. Try getting fat doing that. It can't be done. Insomnia was another of my faults. The slightest sound was sufficient to awaken me and prevent me falling back to sleep for maybe 2 hours. Now try and wake me in the middle of the night. That can't be done either.

"Although I found very few subjects that I didn't know something about, I found there was more to life than just book knowledge. Athletics was never a part of my make-up. By nature I am a bookworm. When I joined the pick and shovel brigade I found something else that was delightful to do besides working some mathematical equation, and that was to work with these boys and swing the shovels and picks to the tune of 'I've Been Working on the Railroad.' If you have never had the actual experience you can never get it out of books.

"Although I have better than the average education, I knew that there were an awful lot of things that I could know yet, and to brush over what I already knew. Since the camp I am in at present is a new camp, I have been in it ever since it was started. The company came here and lived in tents till the barracks were finished. After work was an awfully dull period, being without any more light than a candle. With nothing to do I thought of starting a class in public speaking. It wasn't long until I had about four or five classes going. Then, the happiest day of my life, on the 17th of September my commanding officer told me that he was appointing me as assistant-educational adviser. I find that due to this position I am able to benefit by all the classes we have along with the usual benefits that are sure to arise in every camp.

"Last but not least, it has made me feel responsible. I used to fear the day when I would have to take over the burden of



supporting the family. Work was about as plentiful as snowballs in Hades, and so I didn't know what to do. And now at the end of every month, a feeling, one that is awfully hard to describe, comes over me when I realize that due to my efforts here, 370 miles from home, I am supporting the ones who sacrificed for me."

Mr. Speaker, I have observed personally the working of the C. C. C. in my own district and State, and I am pleased to pay tribute today to the success of this program, which builds not only better land for our Nation but builds better men as well. [Applause.]

#### PERMISSION TO ADDRESS THE HOUSE

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, I desire to call to the attention of the House the fact—and I think it is worthy of comment—that this is the third time during the present session of the Congress that the Private Calendar has been called and the third time that the Private Calendar has been absolutely cleared of all bills.

I think this is a rather unique achievement in the annals of the Congress, and in view of the fine work that has been done under the new rule in the consideration of private bills, I think the chairman and members of the Committee on Claims and also the gentlemen on both sides of the aisle who are entrusted with the duty of going over these bills, the so-called official objectors, have performed a very fine public service. I think it is due them to make acknowledgment of the splendid service they have rendered at this session of the Congress in disposing of the bills on the Private Calendar so promptly and so effectively. I think it is really a contribution to our service to the country and especially to those having claims against the Government.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. I yield to the gentleman from Minnesota.

Mr. PITTENGER. Will not the gentleman state in this connection that a fine tribute is due the gentleman from New York [Mr. O'CONNOR], chairman of the Rules Committee, for giving us this rule?

Mr. BANKHEAD. I am certainly pleased to add that. I had already stated that this fine achievement was accomplished under the beneficent provisions of the new rule that the gentleman from New York [Mr. O'CONNOR] had brought in for the consideration of the House.

#### CALENDAR WEDNESDAY

Mr. BANKHEAD. Mr. Speaker, I now ask unanimous consent that business in order on Calendar Wednesday next be dispensed with.

Mr. DICKSTEIN. Mr. Speaker, reserving the right to object, are we ever going to have a Calendar Wednesday? We have not had one in about 14 years.

Mr. BANKHEAD. Well, if it has been going on that many years, I think it has almost passed into a tradition.

Mr. DICKSTEIN. I object, Mr. Speaker.

#### RELIEF TO WATER USERS ON RECLAMATION AND INDIAN IRRIGATION PROJECTS

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4232) to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects.

Mr. SNELL. Mr. Speaker, I reserve the right to object to ask the gentleman from New Mexico a question or two and to get some explanation of the bill.

I would like to ask the gentleman, in the first place, what need there is to establish a commission to look into the financial situation pertaining to these various projects.

Mr. DEMPSEY. I may say to the gentleman from New York that the committee has been advised that many of the districts need no moratorium of any kind while other districts do. The Secretary of the Interior, in cooperation with the Department of Agriculture, is in possession of practically

all the facts and all we need to have in order to determine the matter is the investigation provided for in the measure.

The gentleman will find that in the Senate bill, which is slightly different from the bill which passed the House, there is an authorization of \$5,000 which, of course, would not provide a very exhaustive investigation.

We have been going along year after year granting a 100-percent moratorium. I think this year the moratorium should perhaps be more liberal than the one provided, but the Director of the Budget felt differently and this bill is in accord with the recommendation of the Director of the Budget.

Mr. SNELL. I may say to the gentleman from New Mexico that we have been continually extending the time of payment on these various projects. If this bill is not quite as liberal as the bills have been in the past, I think that is to the credit of the committee. I appreciate the fact that probably they cannot all pay, but I dislike very much to get into the habit of remitting everything every year that is coming to the Federal Government from these various projects. If the gentleman's bill only remits 50 percent this year, to that extent I am in favor of the bill, because that is better than we have done at various times in the past.

Mr. DEMPSEY. That is one of the provisions of the bill.

Mr. SNELL. That is a little better than you have done at times in the past, but I really can see no reason whatever for establishing a commission to make an investigation. The Department of the Interior knows exactly the conditions that exist on every single one of these projects. They have men who are in touch with the project, and they know just as much or more than any new commission could possibly know; and unless the gentleman can give some definite reason for establishing this commission, I will not say that I shall object, but I shall certainly be inclined to object unless the gentleman can give some reason for the creation of such a commission. I want to be fair with the House and with the gentleman.

Mr. DEMPSEY. The bill really creates no new commission. They are to take two employees from the Interior Department connected with the reclamation and irrigation services and then they are to select one man from the water users in the various districts, and this is the extent to which a commission is created. It is not really a new commission.

Mr. SNELL. The bill appropriates an additional \$5,000.

Mr. DEMPSEY. Yes; that would pay for the man who is selected from one of the districts by the water users. The others are employees of the Interior Department.

Mr. SNELL. As a matter of fact, do not the employees of the Interior Department have direct connection with every one of these various projects? They look them over constantly and know all about them. They must do this in order to carry out the orders of the Department in connection with them.

Mr. DEMPSEY. That is largely true, but the water users have asked to have this investigation made in order that those who are in a financial position to pay 100 percent may do so, whereas those who can only pay 20 or 25 percent might be accorded an extension of time.

Mr. SNELL. Why cannot the men they have at the present time make this investigation? If the gentleman will tell me some good reason, I shall not object; but I want to have some reason for the consideration of the bill from somebody.

Mr. DEMPSEY. The Interior Department would not be authorized to pay a man from one of the districts who is not connected with the Department of the Interior unless this request was granted, and the water users make the claim that they are not properly represented by the men who are sent out to make such investigations. They want an opportunity to be heard in the matter.

Mr. SNELL. You are going to send men from the Department?

Mr. DEMPSEY. Two from the Department and one from the water users.

Mr. ROBINSON of Utah. Mr. Speaker, I think I can explain this matter. The water users feel that they are not getting sufficient moratorium.



Mr. SNELL. They have claimed that for 20 years.

Mr. ROBINSON of Utah. The Interior Department thinks the moratorium is altogether too liberal, but the water users think they have not had a fair deal. The only purpose of this is to get the two Departments together so that they can agree on what is fair.

Mr. SNELL. As a matter of fact, you will never get them together. We know that from the past experience of the House. We have been through it time and time again. I am willing to extend the moratorium, but I do not think we should expend \$5,000 to make any further investigation.

Mr. DEMPSEY. The yearly payments run into millions of dollars, and \$5,000 is a small sum.

Mr. SNELL. In a way it is a small sum, but the gentleman knows as well as I do that there is not a particle of information to be gained by this investigation that is not now in the hands of the Interior Department.

Mr. DEMPSEY. I am inclined to that belief.

Mr. SNELL. Then why should we appropriate \$5,000 for a further investigation?

Mr. DEMPSEY. That is the committee amendment, and I think \$5,000 will be well expended to satisfy the water users.

Mr. SNELL. Well, Mr. Speaker, I am not going to object, but I know it is wrong, and there is no excuse for creating this commission.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby created a commission to be composed of three members, all of whom shall be appointed by the Secretary of the Interior, two from the personnel of the Department of the Interior and one who shall be a landowner and water user under a United States reclamation project. The commission is authorized and directed to investigate the financial and economic condition of the various United States reclamation projects, with particular reference to the ability of each such project to make payments of water-right charges without undue burden on the water users, district, association, or other reclamation organization liable for such charges. Such investigation shall include an examination and consideration of any statement filed with the commission or the Department of the Interior by any such district, association, or other reclamation organization, or the water users thereof, and, where requested by any such district, association, or other reclamation organization, said commission shall proceed to such project and hold hearings, the proceedings of which shall be reduced to writing and filed with its report. Said commission, after having made careful investigation and study of the financial and economic condition of the various United States reclamation projects and their probable present and future ability to meet such water-right charges, shall report to the Congress, at the beginning of the Seventy-fifth Congress, with its recommendations as to the best, most feasible, and practicable comprehensive permanent plan for such water-right payments, with due consideration for the development and carrying on of the reclamation program of the United States, and having particularly in mind the probable ability of such water users, districts, associations, and other reclamation organizations to meet such water-right charges regularly and faithfully from year to year, during periods of prosperity and good prices for agricultural products as well as during periods of decline in agricultural income and unsatisfactory conditions of agriculture.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, which shall be available for expenditure, as the Secretary of the Interior may direct, for expenses and all necessary disbursements, including salaries, in carrying out the provisions of this act. The commission is authorized to appoint and fix the compensation of such employees as may be necessary for carrying out its functions under this act without regard to civil-service laws or the Classification Act of 1923, as amended.

SEC. 3. That all the provisions of the act entitled "An act to further extend relief to water users on the United States reclamation projects and on Indian irrigation projects", approved June 13, 1935, are hereby further extended for the period of 1 year, so far as concerns 50 percent of the construction charges, for the calendar year 1936: *Provided, however,* That where the construction charge for the calendar year 1936 is payable in two installments, the sum hereby extended shall be the amount due as the first of such installments. If payable in one installment, the due date for the 50 percent to be paid shall not be changed.

SEC. 4. The Secretary of the Interior is authorized and directed to extend to water users on Indian irrigation projects during the calendar year 1936 like relief to that provided in the acts of January 26, 1933 (47 Stat. 776), and March 3, 1933 (47 Stat. 1427), applicable to the calendar years 1931, 1932, and 1933: *Provided,* That water users accepting the benefits of the relief extended by

this act shall pay interest on deferred payments at the rate of 2 percent from the date when said payment became due to and including the date of the expiration of the period of relief granted hereunder, said interest to be paid at the time of payment of the said water-right charges for 1936.

With the following committee amendment:

Page 4, strike out section 4.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### THE NEW DEAL

Mr. MILLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered by my colleague [Mr. TERRY] yesterday at Mount Holyoke College, Mass.

The SPEAKER. Is there objection?

There was no objection.

Mr. MILLER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by Hon. DAVID D. TERRY, of Arkansas, before the student body of Mount Holyoke College, South Hadley, Mass., on Monday, April 6, 1936:

What is the New Deal? Some of its critics call it a "raw deal." Others, more friendly, say that it is the only real deal that the people have had in more than a generation. What I am going to do, or try to do, in the time at my disposal, is to give you in simple terms a picture of something that is not simple at all. You know, of course, that the New Deal is a term used to cover the unusual measures for the country which were proposed by President Franklin D. Roosevelt and his advisers. His advisers were not limited to Members of Congress or heads of the various departments of government. He assembled about him a group of men and women who were selected because of their special or particular knowledge of the things which they were called upon to handle.

Here we had the first thing that was new in the New Deal. Hands went up in holy horror at the President's creating what was soon to be dubbed the "brain trust." Now, as a matter of fact, way back in the time of the Roman Empire the great senator, Cato, is heard suggesting a collegia, or school for senators. The affairs of the Empire, which covered the then known world, were entirely beyond any individual's ability to grasp, hence the suggestion for assembling a group of men as specialists in the government of Rome's provinces, and to propose measures and advise with the Roman lawmakers.

Let us get a little bit acquainted with the characteristics or the cast of countenance, so to speak, of the New Deal. You know there are plenty of people who say that the titles of its measures make an alphabetical juggle; that if many more measures had to be given titles we would have to pass out of the English alphabet altogether. I do not know of any instance in which the English alphabet has been put to better use than in giving titles for these measures. Just to mention a few of the major measures passed by the present administration to aid agriculture, finance, industry, and for providing relief. There, for instance, is the National Recovery Act, passed by Congress and put into operation for a couple of years, and then largely wiped out by a decision of the Supreme Court; also, there is the Agricultural Adjustment Act, commonly known as the Triple A. This had a term of life and then was buried under a Supreme Court decision. Then there is the Emergency Banking Act of 1933, followed by the so-called Glass-Steagall Act and the Banking Act of 1935. The Social Security Act was one of the most important bills passed by either the Seventy-third or Seventy-fourth Congress in its promise of wide service to the American people individually.

You will bear in mind, of course, that these are just a few of the very many New Deal measures.

Why were these measures necessary? Money, it has been said, is the very lifeblood of a nation. When money becomes stagnant and ceases freely to circulate through the arteries of a nation, it is going to be just too bad for business, and the people are going to suffer. Another unfortunate condition with regard to money is for a situation to arise in which an exaggerated value is given to the securities upon which a bank bases its loans to individuals and to business associations. That was the situation that called for the proclamation of President Roosevelt on Monday, March 6, 1933. Place yourselves on Pennsylvania Avenue on March 4, 1933. You are watching the inaugural procession. The new President has just been sworn into office. Franklin D. Roosevelt has centered in him the hopes of the people. Banks have been failing all over the country because their credit wasn't free enough for business needs. Too much of the funds of the banks, which means the funds of the people, the depositors, had been diverted into speculations of all sorts. The banks found it more profitable to make loans for speculative purposes than for the homespun, ordinary needs of ordinary business.

In making these loans the banks received securities as collateral which were valued at a figure beyond what they would bring in the open market, and more than their real value. Here was bad banking, and the result was the collapse of banks, until in 20 or



more States the banks had been temporarily closed. People were making runs on them for their money, for their deposits, and the banks had to be closed to conserve the resources of the institutions.

Now, let us remember that we are still on Pennsylvania Avenue on Inauguration Day. Mr. Roosevelt has been President for scarcely 2 hours; he has left the reviewing stand and, behind the stand, in conference with the Secretary of Treasury and the Secretary of State and some others. The subject of the conference was the advisability of closing all the banks by Presidential proclamation. The rough outlines of the proclamation were approved. Secretary of the Treasury Woodin got busy immediately by telegraph and telephone, with the leading bankers of the country, calling upon them to have local conferences all over the country immediately, and to wire back immediately to Washington.

The result was the proclamation to which we have referred. The President stated as his warrant for that extraordinary proclamation the Trading With the Enemy Act of 1917. Thus the President invoked a wartime measure for a crisis that was almost of wartime seriousness.

What was the heart of that proclamation? What was it intended to do? Its purpose was to close the banks for a few days so as to give time for Congress to pass a measure to cover the situation. You can easily see that if this had not been done the rush of depositors for their deposits, together with the drain of money from this country abroad, would have left the banks flat upon their backs, dead as door nails. I do not like to speak of such a thing, but do you know, my friends, that riots and revolution were right around the corner at the time Mr. Roosevelt issued that proclamation?

It was under wise handling that the sound banks soon were doing business again and the weak ones were being helped along the hard way of revival of public confidence.

Will the situation ever occur again? It is not likely to. For since then subsequent bank measures, notably the Glass bank bill of 1933, created a system of insurance for bank deposits. This, with other measures, brought back confidence in the banks and the people redeposited their money in them. This is one of the most desirable measures ever enacted, although bitterly opposed at the time by many of the larger and more conservative banks.

Caustic criticism has been made that under the A. A. A. there was a ruthless slaughter of the innocents—the little pigs that were so cruelly killed and burned, or dumped in the river. Here are the facts: At the time of the World War there was a very great increase in the number of acres under cultivation in this country. The world was demanding the products of the American farms, and as a result 17,000,000 acres were added to those already under cultivation, including a large amount of so-called submarginal land which had never been under cultivation before, and production was increased in all foods. The farm is a food factory, and in the beginning of the Roosevelt administration meat was at an all-time low. In places, pigs were selling as low as 75 cents per hundred pounds, and the price of cattle was too low to justify the expense of transporting them to market. Can you imagine a factory continuing to manufacture products for which there is absolutely no market? In this case, it was even worse, because the cattle and hogs had to be fed if they were to continue to live.

The Government came to the rescue, bought up a percentage of cattle and hogs, processed them, and gave them away as food to those on the relief. Some of the meat was condemned, but millions of tons of salvaged meat were given to the poor. There were, of course, places where the meat was wasted—no large program is ever carried on without faults.

Suppose, as is a fact, that the Supreme Court did declare the Agricultural Adjustment Act unconstitutional. The great Court merely said that the lawmakers had sought to gain their ends in ways that were outside the technical limitations of certain clauses of the Constitution. There was nothing to imply that the ends were not worthy. They were worthy. They are carried out at the present time by subsequent legislation to much the same purpose, by basing the legislation on soil protection for the lands of the country. It is also true that in the future, when there is time to bring it to pass, the functions of the A. A. A. will be divided among the 48 States, all acting together with Uncle Sam in the center. The Supreme Court having set up its crossroads signs so that there can be no doubt as to the legal direction, the administration has forthwith passed a bill that is intended to conform with the Supreme Court's ruling and at the same time to accomplish very much of the same thing for agriculture that the A. A. A. was intended to do and was doing.

Of course, the very first criticism of the New Deal that is heard, and one that will increasingly be heard during the coming campaign, is the criticism of the matter of expenditures. We are told that billions of dollars have been spent, for an all-time high, and that our children and our children's children have been ruthlessly placed under a burden of debt from which they can never emerge. As a matter of fact, we all know that much of the expenditure went to the buying of food, clothing, and shelter for our own people, who were hungry and cold through no fault of their own. In some astonishing manner the expenditure of this money, which prevented actual starvation and revolution, was, in the opinion of our friendly enemies, nothing short of a crime.

It happens that, according to the latest official Treasury figures, over thirteen and one-half billion dollars are now owing to the United States from the war debts of foreign countries. Over \$1,000,000,000 are already in default, and we will very likely receive nothing of the additional twelve billions except in small payments from Finland. Is anyone losing sleep over this situation? No! Unborn

generations in this country will have to pay for the World War, and yet the fact is rarely discussed. The last Treasury report, with a congressional discussion, occupied only one-half a column on page 28 of the Washington Post. It might seem that saving the lives of our own people was of much less concern than helping kill our neighbors, except for the fact that this is a campaign year, when anything goes.

Much of the money expended by our Government through the New Deal agencies is in the nature of loans, and is adequately secured, and may be considered as investments to be repayed with interest—for instance, the money loaned by the Reconstruction Finance Corporation to various industries, including banks, railroads, drainage districts; the loans made by the Public Works Administration for the construction of public buildings, sewers, and waterworks and other public agencies, a part of the amounts advanced being in the nature of grants, and a larger portion being in the nature of loans adequately secured; and the Home Owners' Loan Corporation, which has prevented foreclosure on the homes of our country, the mortgages being taken over by the H. O. L. C. to be repayed on long terms upon proper security.

Vast sums have already been paid back. For instance, in the debate in Congress last week on the R. F. C. it was shown that the profits of that organization at this time amount to over \$115,000,000.

In addition to this justification, pause and consider what it has meant for returning prosperity to have these streams of credit flowing through the country and causing confidence and renewed hope to spring up in the hearts and minds of its citizens.

In addition to the loans to business and the dwellers in urban communities, the New Deal has provided for loans and payments to farmers, to save their homes and farms from foreclosure, and through the A. A. A. and its successor has attempted to provide for a fair return to the farmers upon the products of their farms. Also, money has been advanced to them through the Farm Credit Administration and its various agencies.

Why should aid be given to the farmers of the land? First, because it is good business, and second, because the industrial worker has his level of living protected by powerful labor unions, and industry and manufacturing have, since the beginning of the Republic, received assistance in the form of tariffs which the farmers have not received. The farmer has had nothing to parallel these vast trade unions; and there came a shutting down virtually of markets abroad, and the surplus for consumption in this country threw the farmers into poverty and despair.

I will now discuss briefly the Social Security Act. You know what it is designed to do. It is intended to give aid to States for old-age pensions, the United States Government sharing on a 50-50 basis with the States, under the laws of the particular States, which must be approved by the Federal Government. Most of the States have already adopted laws to make available the assistance offered by the General Government for this purpose. In addition to old-age pensions, the social security law also provides for Federal old-age benefits and unemployment insurance; grants for States for aid to dependent children; grants to States for maternal and child welfare. Under this grant is included maternal and child health service, and services for crippled children. It also provides for public-health work in the various States, the States joining in and sharing the expense of these activities. In the opinion of many, this very humane and enlightened legislation is one of the outstanding accomplishments of the present administration.

In passing, to mention briefly a few more of the New Deal measures, I ask you to consider, now in operation, projects to conserve the topsoil of the country from being wasted. Consider the resettlement measures, by which families have been taken from barren lands and given homes and farms in more fertile regions, to be paid for over a long term. Consider the farm loans and the home loans, by which the farmer and the city dweller alike have had the dread specter of evictions from their home and homesteads lifted from them. Consider the C. C. C. camps, where are enrolled hundreds of thousands of young fellows in splendid, healthful employment. Consider as well the millions who are and have been employed for public works and the great number otherwise aided by the relief funds. Surely a great, wealthy country like this, whose natural resources have scarcely been scratched over, has no reason to permit mouths to go unfed, the hungry to become victims of starvation.

A nobler work was never performed in behalf of deserving and needy humanity than during these trying times.

To whom do we owe, does the country owe, the splendid thinking and splendid performance of this critical era? First of all, let me say we owe it to the genius of the American people. Their genius was never better shown than when they placed in the White House Franklin Delano Roosevelt. I say that without regard to partisan politics, for he went there through the votes of millions of voters not of his party.

As we all know, it has fallen to the lot of the present administration to be in power during one of the most momentous periods in the life of this country, and I might also add in the history of the world. It is said that peace has its victories no less than war. Peace also has its tragedies and horrors no less than war; but the victories of peace are not as spectacular, and the tragedies and horrors are not so apparent. The results of malnutrition and the slow starvation of the children of the desperately poor are not at first so obvious, but the results will affect generations yet to come.

As I have stated before, we will spend millions and billions to triumph in war and foot the bills as a matter of course; but the spending of a smaller sum to fight and triumph over a world-wide



depression is a thing which causes some of our leading citizens and businessmen to raise the hue and cry that under the leadership of the present administration our country is on the road to utter ruin and perdition.

It is said that we have been passing through a revolution—largely bloodless so far, but still a revolution. The country has passed through revolutionary changes before. In the early days of the Republic the change from the long reign of the Federalist Party to that of the Republican-Democrats under Thomas Jefferson was considered by some in the nature of a revolution. The Federalists represented entrenched wealth and position, while the advent of the Republican-Democrats under Jefferson marked a new era in the life of the Nation, and the cause of the rights of the average man dominated the policies of the Government.

Hamilton, that brilliant young leader of the Federalists, used the Constitution and its implied powers as a bulwark for the protection of the big interests of that day against the masses that he so much despised, while in the time of Jefferson's power the limitations and restrictions of the Constitution were employed to protect the rights of the masses against the privileged few.

As the spiritual heirs of the old Federalist Party, the Republicans have usually been those of the party of special privilege and the protectors of vested interests, while the Democrats, as the successors to the Republican-Democratic Party, have, as a rule, been for the masses. The distinction between the two parties has been slight at times, but the Democratic Party has generally come back to its first ideal.

In the past the Republicans have generally been against the doctrine of State's rights and have usually stood for a centralized power in government; and it is a strange sight to see them now mourning over what they claim is an abrogation of the rights of States to settle all matters not clearly coming within the powers granted to the Federal Government by the Constitution.

They make much of the decisions of the Supreme Court in the *N. R. A.* and the *A. A. A.* cases and say that the executive and legislative departments are striving to uproot the Constitution and to abolish the powers of that high Court.

But the record of the decisions made by the Supreme Court shows that 70 percent of all acts declared unconstitutional by the Supreme Court were passed by Republican-controlled Congresses and that only 30 percent of such unconstitutional legislation was passed by Democratic Congresses. And yet those Republican Congresses would have been surprised and indignant if they had been accused of trying to subvert the Government and to destroy the Constitution.

It is much in the news of today that a conflict exists between the executive and legislative branches of the Government and the Supreme Court. On this point let me make it clear that, in my opinion, that high tribunal is a friend, and not a foe, of the executive and legislative divisions of the Government. Members of Congress cannot possibly go into all the legal bearings of measures proposed to be adopted—I mean as to their constitutional warrant—and the Supreme Court has as one of its chief purposes to do that very thing for them. In the nature of the case as things are, it cannot render this service until after the acts have been passed and a challenge has been set up by someone in one of the lower courts.

Much has been said in recent days about the President's desire to circumvent the Constitution. In fact, according to the partisan press, he is an arch conspirator against the rights of States to regulate their own affairs. In this connection it might be well to see what other Presidents have done when decisions of the high Court were unfavorable to measures or policies they had advocated. A recent editorial in a Washington paper has this to say on the subject:

"The doughty Andrew Jackson, under whose leadership the Jeffersonian party was reborn as the Democratic Party, defied a Supreme Court ruling against the State of Georgia. 'John Marshall (then Chief Justice) has made his decision', Jackson snapped, 'now let him enforce it.'"

"Abraham Lincoln carried the new Republican Party to its first national victory in a campaign in which defiance of the Supreme Court's *Dred Scott* decision was his chief issue. 'If the policy of the Government on vital questions affecting the whole people is to be irrevocably fixed by the Supreme Court the instant they are made', said Lincoln in his first inaugural address, 'the people will have ceased to be their own rulers.' He ignored the Court while waging the Civil War to settle the issue which the Court's decision had brought to a head.

"Ulysses S. Grant, whose party leadership sealed Republican dominance for many years, packed the Supreme Court with new members to get it to reverse its greenback decision against his money policy.

"Theodore Roosevelt, whose 'square deal' revitalized the Republican Party early in the century, undertook to clip the powers of the Federal judges after their decisions had frustrated some of his antitrust reforms. He urged a referendum of the people on laws which the courts held unconstitutional. 'The highest right of a free people is the right to make their own laws \* \* \*,' he said. 'I hold that the people should say finally whether these decisions are or are not to stand as the laws of the land.'"

What did Franklin Roosevelt do or say when the Supreme Court declared the *N. R. A.* unconstitutional? When compared with the statements and actions of his illustrious predecessors, I submit that he was most restrained and mild. Upon being told of the action of the Court, he merely made the now famous remark: "The decision will take the country back to the 'horse and buggy' days."

Many of the old-line conservative Democrats with "big business" backgrounds are at this time viewing with alarm the program of the administration. Governor Talmadge, of Georgia, a bitter critic of the President, has bestowed upon them the designation of real Democrats. They are wont to call themselves Jeffersonian Democrats. I wonder what Thomas Jefferson would say if he knew that they were so classifying themselves.

What would he, the great advocate of the rights of man, think if he knew that the spiritual heirs of the old Federalists were using his name as a buckler and shield against the advance of progressive legislation that redounds to the interests of those for whom he spent his life and great talent—the common people of the country?

Woodrow Wilson, in his *History of the American People*, thus describes Jefferson:

"Mr. Jefferson was an interesting mixture of democrat, philosopher, and patrician. In taste and occupation and habit he touched and was familiar with the life of the cultured and moneyed classes, the aristocracy of the young Nation, which constituted the Federalist strength. In creed and principle he was the comrade and workfellow of the people. By gift of insight and genius for organization he was a leader of parties and of concerted action in affairs. An infinite sensibility taught him moderation, lent him tact, pointed out to him the practicable courses of persuasion and the certain prospects of popular support. His personal charm, his high breeding, without arrogance or pretense, gave him hold upon everyone with whom he came in contact. No other man could have so moderated or so completed a revolution in the spirit and conduct of the Government.

"For a revolution it was, profound and lasting. Undoubtedly the chief merchants, the chief men of means and of responsible trust, the chief men of parts and learning and social influence in the country were Federalists. They looked upon Mr. Jefferson as 'an atheist in religion and a fanatic in politics', and they dreaded the direct thrusts of democracy at the careful system they had reared as likely to be little less than the throwing down of the very props of society itself."

How little did Woodrow Wilson foresee the arising of another President so like the one whom he thus describes.

My friends, in view of the repeated use by the standpatters of the term "Jeffersonian Democrat", it may be of interest to consider very briefly the similarity in the life, character, and background of Jefferson, the earliest leader of Democracy, and the life, character, and background of Franklin D. Roosevelt, the man who many people believe was ordained by a benign Providence to show the way to a better and broader life in these recent days of disaster and discord.

Both Jefferson and Roosevelt came from the best aristocracy of their respective sections. Jefferson was a man of wealth, as is Roosevelt. Both adopted politics as their professions, but neither as a means of livelihood. In his day, probably as a result of a sojourn in France before and during the Revolution, Jefferson became deeply interested in the rights of man. Roosevelt, although of the patrician class, views Government affairs and problems from the standpoint of the man of the street and farm, rather than from the viewpoint of the privileged and wealthy classes. It would be interesting to me to know when and whence came Roosevelt's deep and abiding interest in ordinary man. Perhaps it came during the long period of slow recovery after the terrible scourge of infantile paralysis had suddenly laid him low.

I will surely be remiss if I do not say something about women in the New Deal. You know that Mme. Secretary Perkins holds the portfolio of labor as the first woman ever to enter the Cabinet of a President—and with what signal ability she has functioned. The women's bureau, the children's bureau, slum clearance, health, recreation, a multitude of things enter into the services of women in the New Deal, and many of these center in the various bureaus which are under the direction of Miss Perkins. I think we will all agree that Mrs. Roosevelt herself, although having no official relationship to the Government, is one of the most varied and talented women in the records of the country. Her interest and her sympathy and her resourcefulness are little short of amazing.

I do not know how many people have been at pains to discover that during the entire course of English history from the time of William the Conqueror up to 1909, with the triumph of the early battles for suffrage, woman was not mentioned in any of the statutes of England, in her own name and character. She was mentioned only in connection with her husband or other male relative. So you can see how recently the women have come into recognition as persons in the full sense of the term politically, as well as socially. A vast body of New Deal undertakings have been those that could never have been put forward and carried on except by drafting upon the sentiments and sympathies of American womanhood.

Which leads me to say that women of culture with the traditions of education and training should be more generally found enlisted in local, State, and National politics. In a word, American politics, never more than at the present time, calls for the enlistment of the higher capabilities and the fine characters of the young women who go out from the colleges. I will go further and venture to say that never before in the history of this or any other country has the distinterested service of the best minds been in greater demand to aid in the solution of those problems that vex our day and generation. I invite you young women to become identified with one or the other of the political parties, and to serve your country by throwing the weight of your trained



capacities upon the side of those things which will redound to the lasting benefit of the Republic.

At the present time great numbers of young men and women in the schools and colleges are given support from Federal funds. Surely these will return to give thanks by high-minded service to their respective communities; and in so doing they will find that the doors of opportunity are thrown wider to them than to their fathers in the years before the era of the depression set in.

We have exhausted our public domain. With the land frontiers gone forever, there is another frontier set up that is not physical. I refer to the frontier of big undertakings and enterprises that have been filled with the spirit of making America not only big, but better. Better to live in, better to work in, better to love, better to pass on to the coming generations.

This is not a Rooseveltian undertaking. It is something that passes beyond the compass of any mind and defies anyone to arrest its progress.

Our productive efficiency is increasing year by year. We are laying the foundations for prosperity in the real sense, beyond anything that the country has ever known or dreamed of. Rapidly the unemployed are being brought back again into private employ under conditions a great deal better than existed before the National Recovery Act had been allowed its couple of years for the planting of the principles of greater justice and greater equality and greater opportunity among the industries of America.

In closing, I do not know anything better to leave with you, as young Americans being educated for great things, for a great country, than this sentiment from one whose work in the original is not unknown to many of you. Cicero says, "Be persuaded there is a certain separate place in heaven for those who have preserved, aided, and ameliorated their country, where they may enjoy happiness in all eternity."

#### SOCIAL SECURITY ACT AND WORKERS' EDUCATION

Mr. IGLESIAS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement from the commissioner of health and labor officials of Puerto Rico.

The SPEAKER. Is there objection?

There was no objection.

Mr. IGLESIAS. Mr. Speaker, I have requested leave to extend my remarks in the RECORD for the purpose of asking and recommending that the Social Security Act be extended to and put in operation in behalf of the people of Puerto Rico, and also to say something on workers' education under the reconstruction plan for the island.

Again, I must recall that Puerto Rico, with over 1,600,000 inhabitants, is an organized territory, as defined by the United States Supreme Court. Our organic act of March 2, 1917, known as the Jones Act, contains the following provision:

The statutory laws of the United States not locally inapplicable shall have the same force and effect in Puerto Rico as in the United States.

There is pending in the Committee on Ways and Means a bill, H. R. 11062, proposing to extend to Puerto Rico the provisions of the Social Security Act, approved August 14, 1935. There also is pending H. R. 12119 in the Committee on Insular Affairs, to create a new department of public welfare. I assume that H. R. 11062 can be arranged for and favorably recommended insofar as the provisions are applicable to the island without serious opposition, in view of the fact that the Legislature of Puerto Rico has already enacted measures for the aid and comfort of motherhood, children, and the blind.

The extension of the Social Security Act to Puerto Rico has been favorably recommended by President Roosevelt, Secretary of the Interior Ickes, Mr. William Green, president of the American Federation of Labor, and many other well-informed persons and interested labor organizations of the island.

My desire now is to call your attention to a memorandum on this subject, prepared by the Commissioner of Health of Puerto Rico, and a statement on workers' education and general social welfare by the secretary of the Free Federation of Workingmen of Puerto Rico.

#### MEMORANDUM ON EXTENSION TO PUERTO RICO OF THE BENEFITS OF THE SOCIAL SECURITY ACT

The Social Security Act passed by the Seventy-fourth Congress and approved by the President on August 14, 1935, sets forth the purposes of the act as follows:

"To provide for the general welfare by establishing a system of Federal old-age benefits and by enabling the several States to make more adequate provision for aged persons, dependent and crippled children, maternal and child welfare, public health, and the admin-

istration of their unemployment compensation laws; to establish a social security board; to raise revenue; and for other purposes."

In general, these purposes are to be carried out by grants from the Federal Government to the States and Territories for cooperative service. Puerto Rico was not included as one of the governmental units to participate in the program for which this act is the foundation. It is the purpose of this memorandum to call attention to the fact that the Department of Health of Puerto Rico has been doing effective work on some of the problems which are to be attacked by the social-security program; that the present appropriations and standards of work of this department would justify participation in those parts of the program; and that no changes in governmental organization are necessary to make possible the extension of the existing program in any of its phases. The activities in the social-security program for which provision has already been made in the insular department of health are as follows: Public-health service, maternal and child-health work, child welfare, including aid to dependent children, and aid to the blind.

The department of health consists of two sections: the public-health section, directed by a medical officer who is a specialist in public health; and the public-welfare section, directed by a physician, a specialist in institutional administration.

Among the duties of the public-health section is the direction of local health work, including maternal and child health, through public-health units.

Engaged in these activities are: 28 full-time health officers, a specialist in charge of the bureau of maternal and infant hygiene, 14 clinic physicians, 132 public-health nurses paid by the insular government, and 50 additional public-health nurses paid from Federal relief funds. The standards for the employment of personnel are equal to those required by the United States Public Health Service. The methods and the results will compare favorably with those of any similar organization in the continental United States. The maternal and child-health program includes the supervision of prenatal and postnatal teaching, the supervision of midwives, and the operation of 167 milk stations for teaching the care of infants. These activities are supported by insular funds, local funds, and relief funds. The relief funds devoted to these purposes amount to approximately \$240,000 annually, but will not be available after June 30, 1936. The insular funds available for the general public-health activities and the maternal and child-health activities of the public-health section are as follows:

|  |              |
|--|--------------|
| For public-health units.....               | \$376,574.75 |
| For bureau of infant hygiene.....          | 11,996.75    |
| Fund for milk stations, approximately..... | 12,000.00    |

These funds do not include local appropriations which are made for public-health units and milk stations.

Among the duties of the public-welfare section of the insular department of health are included the care, education, and vocational training of dependent children and of the blind. In this work the section has the assistance of the board of child welfare, which supervises the social investigations of dependent children and aids in finding homes for dependent children who can be cared for outside of institutions. The insular funds assigned to this work in the current budget are as follows:

|                                 |            |
|---------------------------------|------------|
| Division of social service..... | \$8,780.00 |
| Boys' charity school.....       | 72,175.70  |
| Girls' charity school.....      | 58,099.75  |
| Child-welfare board.....        | 2,370.00   |
| Asylum for the blind.....       | 28,603.25  |
| Institute for the blind.....    | 19,842.50  |

The Social Security Act provides for aid to a comprehensive Nation-wide public-health program through an annual appropriation of not more than \$8,000,000. This appropriation is to be allotted to the several States and Territories by the Surgeon General of the United States Public Health Service. In order to participate in the plan, it is understood that State or Territorial organizations must have a health department which provides as a minimum on a full-time basis the services listed below: (a) A qualified full-time State or Territorial health officer; (b) adequate provision for the administrative guidance of local health service; (c) an acceptable vital statistics service; (d) an acceptable State public-health laboratory service; (e) adequate services for study, promotion, and supervision of maternal and child health; (f) special service for the study, promotion, and guidance of local activities for the control of preventable diseases and for health promotion; (g) services for study, promotion, and supervision of environmental sanitation.

The following are understood to be the conditions required for participation of a local health service through the State or Territorial organization: (1) The public health services of the city, county, or district should be under the direction of a full-time health officer; (2) the personnel of the city, county, or district health department should include, in addition to the full-time health officer, such medical assistants, public health nurses, sanitation officers, and clerks as will insure at least a minimum of effective health service commensurate with the population and health problem of the area concerned.

The public health section of the insular department of health and the public health units under its direction comply with all of these requirements.

The objectives for participation in the general public health program of the Social Security Act would be:

1. To extend the service of public health units to the parts of the island which are not now served.



2. To strengthen the services now rendered by the addition of new trained personnel.
3. To provide additional specialized training for existing personnel.

Under title V of the Social Security Act the Secretary of Labor, through the Children's Bureau, is authorized to administer an annual appropriation for grants to the States of \$8,150,000. This includes \$3,800,000 for maternal and child-birth service and \$1,500,000 for child-welfare service. Miss Katherine F. Lenroot, Chief of the Children's Bureau, states the purposes of the maternal and child-health appropriation in the following paragraph:

"The primary purpose of these portions of the act is to extend and strengthen services for mothers and children in rural areas, in areas suffering from severe economic distress, and among groups in special need. These are the people who have been hitherto, for the most part, outside the reach of health and welfare services that have been more generally available in cities."

Miss Lenroot also states that a uniform allotment of \$20,000 is to be made to each State and that this sum is to be supplemented in accordance with the number of births in the State and in accordance with the financial need of the State. The Insular Department of Health of Puerto Rico, through its bureau of infant hygiene and its public-health units, is able and ready to extend and improve its maternal and child-health services as intended in this portion of the Social Security Act. The previous work of these dependencies of the department of health meets the standards of the children's bureau, and it can comply with anticipated future requirements.

With reference to that portion of the social-security program which is related to child welfare, Miss Lenroot has the following to say: "The appropriation of \$1,500,000 for child welfare, to be allotted \$10,000 to each State and the remainder on the basis of rural population, is to be available for cooperation with State public-welfare agencies in establishing, extending, and strengthening, especially in predominantly rural areas, public-welfare services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent. They are to be used for payment of part of the cost of district, county, or other local child-welfare services in areas predominantly rural, and for developing State services for the encouragement and assistance of adequate methods of community child-welfare organization in areas predominantly rural and other areas of special need."

Work of this type is already in progress in the public-welfare section of the insular department of health, and without changing the present organization it can be greatly extended. The principal change which would be required would be the addition of field personnel to aid the specialists now in charge of child-welfare work. The expenditure on child welfare, given in detail above, provides ample justification for a Federal allotment of \$10,000 for this purpose under the terms of the social-security program.

The Social Security Act also provides for aid to the States and Territories for care of the blind. For many years the insular department of health has done carefully planned work in the treatment and education of the blind. The annual expenditures for this purpose, as shown above, total more than \$48,000, but there is much more work which could be done if additional funds could be obtained.

It is not the purpose of this brief memorandum to outline all of the work of the insular department of health. Only those activities have been mentioned which have a definite relationship to the social-security program. It has been shown that the two sections of the insular department of health can provide a sufficient amount of skilled supervision to administer such additional resources as might be available under the terms of the Social Security Act, and the fact that work of a high quality is being done now is sufficient guaranty of the continuation of high standards if additional resources were available. No one questions the need of Puerto Rico for the type of work covered by the Social Security Act. Even the amounts available to individual States under that act might not fully meet the need, but valuable services could be extended to many persons who are not now reached.

E. GARRIDO MORALES, M. D., Dr. P. H.,  
Commissioner of Health.

#### STATEMENT ON WORKERS' EDUCATION AND SOCIAL WELFARE, BY RAFAEL ALONSO, SECRETARY

The Free Federation of Workingmen of Puerto Rico, representing over 80,000 loyal American citizens, begs to submit to you the following facts: First, our labor organization was founded in the year 1902. This was the first organized group in Puerto Rico who for years sought American citizenship, economic justice, and the rehabilitation of the masses of the island. No social, economic, or political association has worked harder and exercised so much influence in behalf of the establishment and development of American institutions in Puerto Rico than the Free Federation of Workingmen. The history of the hardships endured, sacrifices made, burdens borne, betterment secured, the responsible positions attained despite antagonism of its foes has best been told in the annual proceedings of the conventions of the American Federation of Labor since 1898.

In view of our unchallenged record, of our sincere belief in and efforts for the progress and social and economic welfare of the Puerto Rican workers and the people in general, we felt that we should have been included in the organization of an insular and Federal agency to help prosecute the program the President put into the hands of the Federal administration.

Our labor movement has been prominent in the development of vocational training and workers' education. This part of the program could have been entrusted to those who have directly been concerned with labor advancement and who have a sympathetic understanding of labor problems. But unfortunately this work will be in the hands of other persons who will beget negative results.

The set-up has been in operation for 1 year, and during this time very little work has been accomplished to bring about actual benefits to the masses of the people. In fact, we have seen the lack of sympathy and unwillingness on the part of those administering the program in social and educational fields to accept any suggestions which the labor people might make in the way of helping the masses of the people. Our experience and struggle in the labor field have not been taken into consideration, which is well demonstrated by the fact that the P. R. R. A. (Puerto Rico Reconstruction Administration) is paying coffee laborers a 60 cent per day wage.

In our island we have a permanent army of unemployed who need work and education. Education gives the worker freedom of choice and individuality. It enables him to protect himself and also gives him vision to solve his difficulties and to order his own life.

This work should have been undertaken with the assistance of the Free Federation of Workingmen of Puerto Rico and under the direction and cooperation of the Department of Labor. The labor federation was founded for an unselfish purpose, its efforts have always been bent upon the protection and assistance of human beings. It has been a great force for the uplift of the workers and for obtaining consideration of the human element as much as it possibly could in industry, through legislation, through social-welfare concepts and ideas. In the political field we have taken advantage of our civil rights and of every opportunity which in a fair degree promised tangible results in the interests of the workers—the masses of the people.

The recognition of organized labor and the selection of a teachers' training center for men and women who desire to prepare themselves for learning industrial, economic, and social subjects should be the first step in the great program of rehabilitation, requiring a true knowledge of labor's wants which in a large measure may determine the well-being of society. If the rehabilitation machinery is going adequately to discharge its responsibilities in the education of workers, it should take cognizance of these social problems in relation to labor.

#### LEAVE TO ADDRESS THE HOUSE

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent that 1 week from tomorrow, on the 15th of April, immediately after the reading of the Journal and the disposition of business on the Speaker's desk, I be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

#### ST. LAWRENCE WATERWAY

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I wish first to take only a moment in respect to my remarks about the Private Calendar a moment ago. I overlooked the Committee on Claims. I think I should say that the gentleman from Maryland [Mr. KENNEDY], chairman of the Committee on Claims, is one of the best chairmen in the House. He is able, and a faithful worker. He has rendered a distinguished service to this House in the way that he has handled claims that come before the Committee on Claims. [Applause.]

I took the floor to talk about the St. Lawrence waterway project. I think one of the most unfortunate things that ever happened to this country was the failure of the ratification of the St. Lawrence Waterway Treaty with Canada in the Senate. Last week the gentleman from New York [Mr. CULKIN] and myself called together a group of Members of the House who were interested in that project. A permanent organization was formed. Today we had another meeting. We met with Mr. A. O. Moreaux, of Minnesota. He is executive director of the Great Lakes-St. Lawrence Tidewater Association. We also met with Mr. R. F. Mallia, of Wisconsin. He is secretary of the Great Lakes Harbor Association, and we all of us pledged our support in cooperation with the Senators interested in the proposition.

The following news item from the Duluth News Tribune under date of April 1, 1936, explains the purpose of the new congressional organization:

Members of Congress interested in the St. Lawrence waterway project perfected a permanent organization today when the group



met in the committee room of the Rivers and Harbors Committee of the House.

Congressman FRANCIS D. CULKIN, of New York, was made chairman of the new organization, and Congressman WILLIAM A. PITTENGER, of Duluth, was selected as secretary. The formation of an executive committee was authorized and a motion adopted to call a meeting early next week and invite every Member of the House and Senate to join the organization.

Congressman BERNARD J. GEHRMANN, of Wisconsin, submitted a resolution pledging the congressional group to take vigorous steps to secure the adoption of a treaty with Canada and the construction of the seaway channel. The organization also adopted a resolution pledging cooperation with outside groups and organizations which have for their purpose the completion of the seaway project.

The resolution which was offered by Congressman GEHRMANN and adopted at the meeting on March 31, 1936, reads as follows:

Whereas there is pending in the United States Senate a treaty with Canada providing for the construction of the St. Lawrence seaway for the economic benefit of both countries; and

Whereas the ratification of a treaty is essential to the commencement of this project, which will provide a 27-foot waterway from the sea to all ports on the Great Lakes and will result in developing for the benefit of America more than 1,250,000 horsepower of electrical energy; and

Whereas the ratification of such a treaty will result in the cheapening of transportation of export crops, and will have a profoundly favorable effect on the development of agriculture and industry throughout the Great Lakes and Midwestern States: Now, therefore, be it

*Resolved*, That we, the Members of Congress from the Lake States, do hereby pledge our vigorous and active support to a program which will bring about the adoption of a treaty and the commencement of said project so necessary to sound national development, the benefits of which will be enjoyed by more than 40,000,000 people in the United States who gain their livelihood from agriculture production and manufacturing; and be it further

*Resolved*, That we bind ourselves to use every legitimate effort to bring about the adoption of a treaty and the construction of said seaway; and

*Resolved*, That the President of the United States and the Secretary of State are respectfully requested to take such steps as will insure the presentation of a treaty to the Senate that will be mutually acceptable to the United States and Canada; and further

*Resolved*, That a certified copy of this resolution be sent to the President of the United States and all Members of the United States Senate and House of Representatives.

I ask unanimous consent to extend my remarks in the RECORD by incorporating therein a resolution which our group passed last week, together with a very short newspaper account of the meeting and an editorial.

The SPEAKER. The time of the gentleman from Minnesota has expired. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. ANDREWS of New York. What is the editorial to which the gentleman refers?

Mr. PITTENGER. It simply calls attention to our making a step in the right direction, that is, having Members of the House cooperate with Members of the Senate.

Mr. BANKHEAD. Mr. Speaker, I think the editorial ought not to go into the RECORD.

Mr. PITTENGER. I withdraw that part of my request, Mr. Speaker.

Mr. SNELL. Mr. Speaker, we have been letting in editorials and everything else for the last 2 weeks or a month.

Mr. BANKHEAD. I have not heard of it.

Mr. SNELL. I have heard a lot of it. I think it is a good rule to object to the inclusion of editorials in the CONGRESSIONAL RECORD.

Mr. PITTENGER. I withdraw that portion of my request.

Mr. SNELL. And I hope that policy will be carried out in the future.

Mr. BANKHEAD. I shall try to carry it out.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD and to include therein the resolution to which he referred and the news item. Is there objection?

There was no objection.

#### EXTENSION OF REMARKS

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein the remarks to

which I referred this morning in the CONGRESSIONAL RECORD and to have the portions that were inserted that I consider wrongfully printed in italics.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD and to include therein certain portions of the RECORD to which he has referred. Is there objection?

There was no objection.

#### GUIDEO BISCARO AND OTHERS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 982, H. R. 4915, for the relief of Guido Biscaro, Giovanni Polin, Spironello Antonio, Arturo Bettio, Carlo Biscaro, and Antonio Vannin.

The gentleman who objected to the bill this morning has withdrawn his objection.

The SPEAKER. The gentleman from New York asks unanimous consent to return to Private Calendar No. 982. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object.

Mr. BEITER. There were no objections on the gentleman's side. I have talked to the two members of the committee.

Mr. SNELL. This is a rather unusual request. The Private Calendar has been concluded and the House has gone on with other business. I do not want to dispute the gentleman's word, but it is not the proper thing to bring this up after we have concluded the calendar and the people most interested have gone away. I do not know whether they object or not.

Mr. BEITER. There were no objections. I have taken it up with each member of the committee, and the only gentleman who objected was the gentleman from Missouri. I have explained the bill to him and he has withdrawn his objection.

Mr. SNELL. Very well.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. TABER. Mr. Speaker, will the gentleman state what that bill is about?

Mr. BEITER. The purpose of the bill is to direct the Secretary of the Treasury to pay to the beneficiaries named in the bill the sum of \$3,500, which represents the amount of the bonds posted by the beneficiaries guaranteeing the presence in court of Virginia Nasato, Melchior Miotto, Silvio Polin, Augustino Del Bianco, Daniel Biscaro, Augustin Taveron, and Emilio Miotto.

The aliens were taken into custody at Akron, N. Y., in the month of August 1925. The amount of a bond required for each alien was \$500. The beneficiaries in the bill posted liberty bonds valued at \$500 each, which are described in the receipts of the district director of the Immigration and Naturalization Service, dated August 29, 1925, the receipts having been made on form 553A-1 of the Immigration and Naturalization Service. The receipts show that the bonds were received from Frank A. Corti, attorney for the beneficiaries of the bill, but on the reverse side of each, Corti certified that the bonds were received from the individuals named as beneficiaries in the bill.

The bonds were to be returned to those who posted them by the Immigration and Naturalization Service upon the appearance of the aliens at the Immigration Office for deportation. All the aliens with the exception of one was deported—the excepted one having been in the country illegally and having since proceeded toward citizenship. However, the bond posted for the latter is also forthcoming. The attorney engaged by the bondsmen to represent them failed to notify them of the date scheduled by the Immigration Service for the appearance of the aliens, and therefore they failed to call at the Immigration Office on the appointed date. The following day they were taken into custody by authorities of the Immigration and Naturalization Service from Black Rock.

Payment of the bonds has been withheld for approximately 11 years and it has inflicted great hardships on the bondsmen, some of whom were obliged to seek aid from the welfare authorities.



Proof that the aliens and bondsmen were not notified by their legal counsel to appear at the Immigration Office at the appointed time is on file with the committee in the form of sworn statements from the employers of the aliens to the effect that they were at work at the time they should have appeared at the Immigration Office. These statements were made by members of the Beaver Products Co. and the Universal Gypsum & Lime Co., of Buffalo, in which firms the aliens were employed.

Mr. TABER. Mr. Speaker, I have listened to what the gentleman has had to say and it seems to me this is a matter of such character that it should wait over until the committee is present and then have it taken up. So I suggest that the gentleman for the time being withdraw his request and make it later when the committee members are present.

Mr. BEITER. The committee of objectors on the gentleman's side have no objection, because I have taken it up with each Member, and the committee on the Democratic side have no objection. The gentleman who objected was the gentleman from Missouri.

Mr. TABER. I think they should be here when it is taken up. It is a matter that has stood for 11 years. When anything has stood as long as that, it seems to me it requires the objectors to be present. Unless the gentleman will withhold his request for the time being, I shall be obliged to object.

Mr. BEITER. I will withdraw my request for the time being, Mr. Speaker.

The SPEAKER. Of course, the gentleman has the right to renew his request later.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. DOBBINS. Mr. Speaker, I ask unanimous consent that on tomorrow morning, following disposition of business on the Speaker's table, I may have permission to address the House for 25 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### TOBACCO COMPACTS BETWEEN STATES

Mr. CLARK of North Carolina. Mr. Speaker, by direction of the chairman of the Committee on Rules [Mr. O'CONNOR], I call up House Resolution 476.

The Clerk read as follows:

#### House Resolution 476

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12037, a bill relating to compacts and agreements among States in which tobacco is produced providing for the control of production of, or commerce in, tobacco in such States, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend, with or without instructions.

Mr. SNELL. Mr. Speaker, this is a rather important measure. I doubt very much if many Members of the House know it is going to be taken up this afternoon. For that reason I make the point of no quorum.

The SPEAKER. Evidently there is not a quorum present.

Mr. BANKHEAD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 56]

|         |                |           |              |
|---------|----------------|-----------|--------------|
| Adair   | Buckley, N. Y. | Casey     | Cummings     |
| Allen   | Bulwinkle      | Cavichia  | Darrow       |
| Beam    | Caldwell       | Citron    | Dear         |
| Bland   | Cannon, Wis.   | Clalborne | DeRouen      |
| Boehne  | Carmichael     | Connery   | Dingell      |
| Brennan | Carpenter      | Cornling  | Doutrich     |
| Brooks  | Cartwright     | Creal     | Drewry       |
| Buckbee | Cary           | Crosby    | Duffey, Ohio |

|                 |                |               |               |
|-----------------|----------------|---------------|---------------|
| Duffy, N. Y.    | Hoepfel        | Monaghan      | Ryan          |
| Dunn, Miss.     | Jacobsen       | Montague      | Sanders, La.  |
| Eagle           | Jenckes, Ind.  | Montet        | Schuetz       |
| Eaton           | Jenkins, Ohio  | Moran         | Schulte       |
| Ellenbogen      | Kee            | Moritz        | Sirovich      |
| Farley          | Kelly          | Nichols       | Sisson        |
| Fenerty         | Kleberg        | O'Brien       | Steagall      |
| Fernandez       | Kocialkowski   | O'Day         | Sullivan      |
| Fiesinger       | Kvale          | O'Leary       | Sumners, Tex. |
| Fish            | Lea, Calif.    | Oliver        | Thomas        |
| Fuller          | Lucas          | O'Malley      | Tinkham       |
| Gassaway        | McAndrews      | Palmisano     | Tonry         |
| Gildea          | McClellan      | Parks         | Underwood     |
| Greenwood       | McGehee        | Perkins       | Utterback     |
| Gregory         | McGroarty      | Pettengill    | Wallgren      |
| Hartley         | McKeough       | Pfeifer       | Wearin        |
| Healey          | McLaughlin     | Ransley       | White         |
| Hennings        | McReynolds     | Rayburn       | Wigglesworth  |
| Higgins, Conn.  | McSwain        | Reed, Ill.    | Withrow       |
| Hill, Knute     | Marcantonio    | Risk          |               |
| Hill, Samuel B. | Mead           | Rogers, N. H. |               |
| Hobbs           | Mitchell, Ill. | Romjue        |               |

The SPEAKER. Three hundred and twelve Members are present, a quorum.

Mr. EDMISTON. Mr. Speaker, my colleague, the gentleman from New Hampshire, Mr. ROGERS, is detained on duty with a subcommittee of the Committee on Military Affairs. Otherwise he would be present at this roll call.

Mr. BANKHEAD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. CLARK of North Carolina. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. MARTIN]. I yield 5 minutes to myself.

Mr. Speaker, the adoption of this rule will make in order the consideration of H. R. 12037, which is a bill giving the consent of Congress to the tobacco-producing States to enter into compacts or agreements among themselves with reference to the control of the production of tobacco.

There is no doubt about the fact that the tobacco program under the A. A. A. was an almost unbelievable success. The farmers made money under it. The tobacco manufacturers made money under it. The consumers of tobacco paid not a nickel more while it was in force, and it cost the Government of the United States not a penny. In fact, the Treasury has profited to the extent of more than a million dollars as a result of that program. The decision of the Supreme Court in the A. A. A. case swept away that program and the Court said that the Federal Government does not have power, under the Constitution, to inaugurate any such program. While it does not say specifically that the States do have such power, the decision does say that if that power exists anywhere, it exists in the State governments. This bill does no more than to give the consent of Congress to the tobacco-producing States to enter into some agreements or compacts among themselves for the purpose of seeing, if they can, under the State constitutions and under State control, make effective a continuance of this great program.

The bill does not convey to the States any power they do not now enjoy. I come from a great tobacco-producing State. It cannot test the question of whether it has the power under its constitution to inaugurate a control program, because it dare not cut its production until the other States producing the same type of tobacco agree to cut their production. The States will have no more power after the passage of this bill than they have now under their constitutions. The only thing additional they will have or possibly can have is the naked consent of this Congress to agree among themselves upon a program. We simply invest them with the power to enter into a uniform, cooperative plan throughout the States which produce a particular type of tobacco.

This bill means the difference between poverty and bankruptcy on the part of the tobacco farmers and prosperity that puts them upon a right footing in the world without costing anybody else anything. If they can carry forward this program of the past 3 years, they cannot only pay all their old debts, redeem their farms, wipe out back taxes, but they will have money in their pockets with which to buy what they need. This money would go into the great manufacturing centers of the United States as it has been doing. I want to see the farmers of my territory not only have a chance to live but also to be able to buy automobiles from Michigan,



jewelry from Massachusetts, and other manufactured articles from other sections.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield such time as he may desire, not exceeding 30 minutes, to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Speaker, it has been very difficult for me to get any satisfactory information out of the hearings before the Committee on Agriculture on this bill, and I have examined them rather carefully. The only people who appeared before the committee were Members of the House of Representatives from certain tobacco-producing States—not all of them by any means—and two representatives of the Department of Agriculture, who were instrumental in drafting the bill before us and, I understand, the bill passed by the Legislature of the State of Virginia. No producers appeared before the Committee on Agriculture, no handlers of tobacco, no economists, nor anyone else, to discuss the theory of the legislation, what is sought to be accomplished by it, or what the probable effect of it will be. There was very little said about the necessity for it and very few figures given relative to production, surplus, prices, consumption, and related subjects. As a matter of fact, the father of the legislation had no sooner got started to make a statement in explanation of the bill before someone raised the question of the legality or the constitutionality of some of the provisions of it, and practically the entire time of the committee from that moment on was devoted to a discussion of the constitutionality or legality of those provisions and practically nothing was said on the merits of the legislation.

The Committee on Agriculture, I take it from the statements made by the chairman of the committee and others as they appear in the hearings, was busy that morning, had arranged another program it desired to carry out and wanted to devote a few minutes only to the consideration of this legislation. As time went on a discussion was had between members of the committee relating to the other matters. Finally it was decided to meet in the afternoon to give further consideration to this legislation. At the afternoon session the same procedure was gone through as in the morning and the discussion of the constitutionality or legality of some of the provisions of the bill was continued by Members of the House of Representatives and the attorney from the Department of Agriculture. This comprised the entire hearings before the committee on the legislation. So we are called upon to consider this rather novel and important piece of legislation with practically no hearings before the Committee on Agriculture on the merits of the legislation to guide us.

What are we asked to do? We are asked to approve in advance not a compact but compacts between the different tobacco-producing States of the Union. Very little tobacco is produced in Michigan, not enough to be a factor in the industry commercially, and until I got to studying this legislation I did not realize there were so many tobacco-producing States. It appears there are a great many States producing different types of tobacco. The difference between the types is very distinct. As I understand the provisions of the bill, it is proposed to allow those States producing these different types of tobacco to enter into agreements pertaining to the particular type which they produce to the exclusion of all other States, not only the States which produce no tobacco, but those which produce some other type as well; so there may be, as I understand it, a great many different compacts between different States in regard to these different types of tobacco. Under the definitions on page 3 of the bill, the following types of tobacco are referred to: Flue-cured tobacco, burley tobacco, fire-cured and dark air-cured tobacco, cigar-filler tobacco, cigar-binder tobacco, and cigar-wrapper tobacco. There may, thus, be six different sets of compacts entered into by the States which produce these different types, and we are asked to pass this legislation approving whatever they agree to, with some qualifications, here in advance.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield?

Mr. MAPES. I yield.

Mr. FITZPATRICK. Is it to get away from the antitrust laws that they are forming these compacts?

Mr. MAPES. If the legislation is binding, if it is constitutional, they certainly will get away from the antitrust laws.

Mr. FITZPATRICK. Why can they not do it today?

Mr. MAPES. Well, as I understand the situation, the Supreme Court having held that the National Government could not limit production, that that could be done only by the States, if at all, they are attempting to circumvent that decision as much as possible. It is the assumption of this legislation, as I understand it, that each individual State has the right to control production by itself, and it proposes to have Congress say that the States may make a compact to work together for that purpose. Whether that can be done or not I will leave it to others to say.

The gentleman from Wisconsin [Mr. BOLEAU], a member of the Committee on Agriculture, raised the question in committee as to the legality of legislation which authorized in advance compacts between the States. On page 47 of the hearings, he used this language:

May I make my position clear by saying that it must be very apparent that we must either incorporate in this law the exact compact which the States will accept, or we must wait until the States have entered into a compact before we can ratify it and give it any effect?

Who answered the question of the gentleman from Wisconsin? The attorney from the Department of Agriculture, who appeared before the committee in defense of the legislation, made this statement, not directly in answer to the question but in the course of his remarks:

We have no precedent by way of a court decision where the facts are identical with the proposed bill. We have a legislative precedent in the act which this Congress passed in February, I believe, of 1935, known as the Connally Act, which prohibited the movement of contraband oil in violation of State laws.

It seems to me if there ever was a far-fetched argument made by any lawyer before a court to sustain a proposition of law, it is that statement of the attorney for the Department of Agriculture in support of this legislation. I happen to know something about the Connally Act. The Connally Act had nothing to do with compacts between the States. It was as far removed from compacts between States as anything could be. It made it illegal to ship into interstate commerce oil produced in violation of State law. That was all.

Mr. UMSTEAD. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman from North Carolina.

Mr. UMSTEAD. The gentleman understands, of course, that the hearings referred to were held on H. R. 11928, whereas the bill now under consideration is H. R. 12037?

Mr. MAPES. Well, the copy of hearings I have says, "Hearing before the Committee on Agriculture, House of Representatives, Seventy-fourth Congress, second session, on H. R. 11928 (H. R. 12037 reported)." Are there any other hearings?

Mr. UMSTEAD. Does the gentleman understand that the provisions of the first bill referred to by the gentleman from Wisconsin in the hearings mentioned by the gentleman himself with reference to the unconstitutional features of the first bill have been eliminated?

Mr. MAPES. No; I did not so understand. May I ask the gentleman, Were there separate hearings on the bill to which the gentleman is referring?

Mr. UMSTEAD. There were reported hearings on both bills. I call the gentleman's attention to the fact that in the bill now under consideration there is a specific statute referred to and incorporated in the hearings which the gentleman could have read, which meets the very objection raised by the gentleman from Wisconsin [Mr. BOLEAU].

Mr. MAPES. I think I should correct the gentleman to this extent: There is a copy of a bill appearing in the hearings, but the statute to which the bill before us refers is not in the hearings and was not in the hearings had before the Committee on Rules. I was able to get a copy of this statute only this morning.



Mr. UMSTEAD. The gentleman understands the statute passed by the State of Virginia is similar to the one inserted from the State of South Carolina?

Mr. MAPES. I so understand.

Mr. UMSTEAD. Does the gentleman understand that the gentleman from Wisconsin [Mr. BOILEAU] has withdrawn all objections to this bill, as I understand, and is now supporting it?

Mr. MAPES. No; I have no way of knowing that without talking with the gentleman, and I have not been able to do that since reading the hearings. I am relying on the hearings. The only information which I have is in the hearings. I may say to the gentleman, it does not seem to me there is any particular difference with respect to the point I am trying to make. We are asked to give our approval in advance to the compacts of these States without knowing what those compacts are going to contain, and that was the point that the gentleman from Wisconsin was criticizing.

Mr. UMSTEAD. May I call the attention of the gentleman to the fact that the act which is now presented to this House specifically refers to the Virginia statute, and requires that all statutes passed by other compacting States must be uniform therewith. May I ask the gentleman another question? He referred to the fact that the controversial sections were discussed at the original hearings of the Agricultural Committee both in the forenoon and afternoon; but does the gentleman know that those sections have been eliminated from this bill?

Mr. MAPES. To what sections does the gentleman refer?

Mr. UMSTEAD. Sections 3, 4, and 11, sections 3 and 4 dealing with the question of interstate commerce and section 11 prescribing a penalty for the violation of those sections. They have been removed, and I take it the gentleman was in error. They are not now in the bill.

Mr. MAPES. May I ask the gentleman whether the Virginia Legislature had passed the act referred to when these hearings were held?

Mr. UMSTEAD. Yes; but there was nothing in sections 3 and 4 of the original bill which referred to that.

Mr. MAPES. Why were those sections which were so controversial put in the bill?

Mr. UMSTEAD. Those sections were put in the bill when it was originally drawn. There are many of us who still believe those sections are valid and would be helpful to this legislation, but they were cut out because some controversy arose. The gentleman from Wisconsin [Mr. BOILEAU] referred to by the gentleman, has withdrawn his objection and is now supporting the bill. Will not the gentleman do likewise in view of the action of the gentleman from Wisconsin?

Mr. MAPES. No; I think the position of the gentleman from Wisconsin, as stated in the hearings, was sound and still applies. I may also say to the gentleman that I do not believe in the doctrine of scarcity upon which the legislation is based.

I believe there are more people in the United States interested in the consumption of tobacco than there are in the production of it, and I do not believe this Congress ought to place it within the power of the producers of tobacco to enter into a combination to determine how much they will produce and what the price shall be to the consuming public all over the United States. [Applause.]

Mr. UMSTEAD. Mr. Speaker, will the gentleman yield on just one point?

Mr. MAPES. I would like to continue, but if the gentleman desires to ask a question, I yield.

Mr. UMSTEAD. I desire to propound a question to the gentleman.

Is it not true that the gentleman was opposed to the A. A. A. and is it not true that the gentleman's opposition to this bill is based solely upon his opposition, as stated a moment ago, to the program of the Agricultural Adjustment Act?

Mr. MAPES. No; not altogether, and if I did oppose it the Supreme Court sustained me.

Mr. UMSTEAD. And does not the gentleman—

Mr. MAPES. Just a moment. We have taken a good many leaps in the dark legislatively in the last few years. We have delegated power to Federal officials a great many times when we had no idea what those officials were going to do, but this is the first time we have been asked to delegate to the producers of a commodity such power as this legislation proposes.

Mr. COOLEY. Mr. Speaker, will the gentleman yield for one question?

Mr. MAPES. In just a moment.

Insofar as I am concerned I think we should wait until we know what the compacts are before we approve them.

We passed a compact for the oil-producing States; I have a copy of it before me, but the oil-producing States entered into the compact before the Congress was asked to approve it. Here we are called upon to give our consent in advance. If the tobacco-producing States will get together, make a compact, and then come to Congress with it, give us an opportunity to look it over and study it, it would then be time to pass judgment upon it, but it is a violent thing for Congress to give the States a blank check, so to speak, or to say to them to go as far as they like. I am not willing to do that.

Furthermore, there are many provisions in the bill before us that have to do with the administration of the act by the Secretary of Agriculture. The scope of this bill goes further than giving approval to the State compacts. It goes so far as to state that if the States raising a certain type of tobacco enter into an agreement or form a compact limiting production in those States, then the Secretary of Agriculture can control the production of tobacco in Puerto Rico. He can tell every farmer, not in the different States, but every farmer in Puerto Rico how much tobacco he can raise.

Mr. UMSTEAD. Will the gentleman yield—he wants to be fair?

Mr. MAPES. I yield.

Mr. UMSTEAD. I am certain that the gentleman does not mean to say that the Secretary of Agriculture would have any authority to make allocations as to how much tobacco any farmer may raise.

Mr. MAPES. I was referring to Puerto Rico. The Secretary of Agriculture has that authority as far as the production of tobacco in Puerto Rico is concerned, provided the States which raise a similar kind of tobacco enter into a compact. The State commissions are to have that authority in the States. I think the gentleman did not understand me.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman from Kentucky.

Mr. VINSON of Kentucky. Is the gentleman from Michigan reading from the Virginia statute or the substitute for House bill 348 or is he reading from the bill originally introduced?

Mr. MAPES. I am reading from the statute of Virginia.

Mr. VINSON of Kentucky. A substitute for the bill originally introduced in the Virginia Legislature?

Mr. MAPES. I am reading from the act. The gentleman from New York [Mr. WADSWORTH] calls my attention to the fact that the same language is in the House bill before us.

There is another peculiar provision in this Virginia act. It seems to me that the tobacco-producing States are trying to eat their cake and have it, too. This act does not necessarily limit the production of tobacco, because it allows the producers of tobacco to request the handlers of tobacco to get certificates from the State commissions, or, if they are handling Puerto Rican tobacco, then from the Secretary of Agriculture, to sell their surplus production to these dealers; and what do these handlers of tobacco in such cases have to pay for these marketing certificates, so called? This is the provision in the Virginia statute:

The rate of such charge shall be determined by the commission and shall be not less than 25 percent or more than 50 percent of the gross value of said surplus tobacco covered by the marketing certificate.

As I say, I have had to examine this legislation hastily. That is one reason why I have been so free in yielding to



those who have studied it. It seems to me that this bill does this: It says to these State commissions, "You can limit the production of tobacco up to a certain extent, but any producer of tobacco, any farmer, who does not want to live within that limit can call upon a dealer to handle his surplus production." Then the dealer in turn goes to the State commission, or, if he is a dealer in Puerto Rican tobacco, to the Secretary of Agriculture, and, upon paying this 25 or 50 percent of the value of this surplus tobacco, he has a right to buy, and the farmer has a right to produce and sell all the surplus he wants to.

I think we ought not to pass upon legislation as important as this in the dark, without knowing what it is going to do, and without a further explanation of it than has been given, and without knowing what the tobacco-producing States are going to agree to.

I yield back the remainder of my time.

Mr. CLARK of North Carolina. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. WARREN].

Mr. WARREN. Mr. Speaker, the gentleman from Michigan [Mr. MAPES] is one of the ablest and most valuable men in the House. He is senior in service, I believe, on his side of the House. He stated that he had had no time to study this measure, but had he had the time I am sure that he would not have fallen into some of the grievous errors he has made here today about this bill. In the very outset he stated that this authorizes a compact between all of the tobacco-growing States. Let us get that perfectly clear in the start. The only thing that this bill does is to authorize a compact between what is known as the flue-cured tobacco-growing States, and they are the States of Virginia, North and South Carolina, and Georgia, and such other types of tobacco grown in the States of Tennessee and Kentucky. So far as all other States are concerned, it merely gives the consent of Congress for those States to negotiate a compact and then come back here later for ratification. The Congress in the past has given its consent to about 150 compacts of different kinds, and we come here in a constitutional way seeking one for tobacco. The tobacco growers are not coming here seeking any special favors. They would certainly have the right to come here seeking a special favor ahead of any commodity that I know of. Do gentlemen know that last year the internal-revenue taxes received from tobacco amounted to over \$478,000,000; that the Federal Government collected two or three times more in taxes for the flue-cured crop of tobacco than the farmers received for that tobacco? I hold in my hand a 15-cent package of cigarettes. Taking the price that the farmer received last year, he gets 1½ cents for the tobacco that goes into that package of cigarettes. Most of the time due to low prices he got less than 1 cent. The manufacturer gets over 3½ cents on each package of 20 cigarettes. The Federal Government comes along and imposes a tax of 6 cents on that one package of cigarettes, while the profit of the wholesaler and the retailer combined amounts to 4¼ cents, bringing the total up to 15 cents, which the consumer pays. That is what Congress has done to tobacco, and in many of the States there is sometimes a tax of 1 or 2 or 3 cents added to the 15 cents that the consumer must pay for this.

Mr. HANCOCK of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. WARREN. Yes.

Mr. HANCOCK of North Carolina. In other words, the growers of flue-cured tobacco last year received approximately 20 cents a pound for what they made. The United States Government collected over \$1 a pound on all flue-cured tobacco used in the manufacture of cigarettes?

Mr. WARREN. That is absolutely correct.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. WARREN. Yes.

Mr. WOLCOTT. The consumption of cigarettes in the last 2 years has increased tremendously. Can the gentleman explain that, and what effect the tax would have on curtailing the use of cigarettes?

Mr. WARREN. Of course, I think the tax is excessive. I have always thought that the tax ought to be reduced. It

is true, as the gentleman has just stated, that the consumption of cigarettes last year reached the very highest point it has ever reached in this country.

Mr. MAIN. Mr. Speaker, will the gentleman yield?

Mr. WARREN. I yield.

Mr. MAIN. Did the gentleman mean "profit" or "cost of manufacture"?

Mr. WARREN. I meant gross income per package of 20 cigarettes.

Mr. MAIN. But does that 3½ cents represent manufactured cost or is it his profit?

Mr. WARREN. I said gross income of the manufacturer. I think these figures are correct.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. WARREN. I yield.

Mr. MAY. I am interested more in the construction of the Virginia statute, section 8, beginning on page 13 of that act, which the gentleman from Michigan [Mr. MAPES] discussed at length.

Mr. WARREN. If the gentleman will pardon me, I was coming to that.

Mr. MAY. When he started the discussion of that I was inclined to agree with him, but upon reading the statute two or three times I find it simply provides that during the month of October in any year 10 percent of the producers of a particular kind of tobacco may, by petition, call a referendum, or the Governor may, by proclamation, call a referendum. Then on that referendum, after the election is held, if 66⅔ percent of the producers of that tobacco vote to cancel the provisions of the law or set it aside, that may be done.

Mr. WARREN. That is absolutely true. Now, the gentleman from Michigan asked why is this brought before the House now. I will tell you why. Because time is the absolute essence. If we are to accomplish anything under this compact, then it has to become a law within the course of the next 10 days. The Virginia Legislature has acted and adjourned. One house in the South Carolina Legislature has already acted, and we have been told they will complete their action this week. We also have been reliably informed that if the Congress grants this permission, the Governor of North Carolina will immediately call an extra session of that legislature. So far as Georgia is concerned, for the year of 1936 only, it provides they can do their part by a signing up of tobacco growers, on account of the fact that we know their Governor will not call an extra session of the legislature.

Tobacco in North Carolina will be in the ground by the 1st day of May. The Department advises us that there will be an increase of from 7 to 10 percent over last year. Last year we had an increase of the flue-cured crop of about 345,000,000 pounds. The price that was paid for 556,000,000 pounds the year before was nearly the same as that paid for the larger crop last year. We know from experience, and we know from the successful operation of this plan in those States for 3 years, that it is desired by 99¼ percent of all the farmers in our State. The gentleman from North Carolina [Mr. COOLEY] attended a mass meeting on Saturday in his home county, where an actual poll was made of 1,500 tobacco farmers, and every single, solitary one of them voted for this legislation and urged the Congress to pass it. There has been going on in our State, in at least 50 counties, for the last 3 weeks mass meetings attended by hundreds, and in some instances by thousands, of farmers. In every case they have gone on record unanimously in favor of this legislation.

Mr. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. WARREN. I yield.

Mr. ANDRESEN. Is it not a fact that under the operations of the A. A. A. you had a larger production of tobacco than you had for many years?

Mr. WARREN. The A. A. A., unfortunately, over the protest of every single man in this House from a tobacco section, permitted an increase of that crop last year. As a result of that, we have today the second largest carry-over in all history. Unless this legislation is passed the tobacco farmer is going to be returned to that state of serfdom that existed prior to 1932. [Applause.]



The SPEAKER. The time of the gentleman from North Carolina [Mr. WARREN] has expired.

Mr. CLARK of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Speaker, what brief remarks I have to make will indicate that I am strongly in favor of the adoption of the rule and the passage of the bill which this rule makes in order.

The able gentleman from North Carolina [Mr. CLARK], a member of the Rules Committee, has called to the attention of the House the fact that under the Smith-Kerr tobacco bill, the A. A. A., not only was the well-being of the tobacco grower promoted, not only was the tobacco farmer raised from the level of economic servitude and financial distress, but while that was true the tobacco consumers paid not a cent more for the tobacco which they consumed than they did before the Smith-Kerr Act was enacted.

My good friend the gentleman from North Carolina [Mr. WARREN] has called attention to the large amount of revenue that the Treasury derives from the tax on processed or manufactured tobaccos. It is well known to all the membership of this House that the income tax, both corporate and individual, is the largest source of revenue of the Federal Government. Second to that is the tobacco tax, producing last year, as was mentioned by the gentleman from North Carolina [Mr. WARREN] \$470,000,000 plus, and estimated to produce this year above \$500,000,000.

I never have been a believer in special privilege being granted to any class of people, yet I maintain that those engaged in the production of a commodity that yields to the Federal Government this large amount of revenue are entitled to thoughtful dealing with their problems, if not some special consideration. All the farmers ask is to be given an opportunity to continue receiving in the future the benefits they derived in the past as a result of the tobacco-control legislation. If this is done, it is not going to impose any heavy burden on any class of people or on any section of the country.

Those of you who always have believed, and still believe, in a high protective tariff whereby the manufacturers receive special benefits directly should be the last to oppose this legislation. This being so, why should we here split hairs over constitutional technicalities?

The tobacco growers believe that if this or some similar legislation is not enacted soon, then the same tragic conditions that obtained before the Kerr-Smith Act was enacted will again prevail.

May I express the earnest hope that the Congress will speedily enact the necessary legislation proposed in the bill this rule makes in order. [Applause.]

[Here the gavel fell.]

Mr. CLARK of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Speaker, I am surprised to note that some rather strong resistance has developed to this bill. I am sure most of the Members know how I think and feel with respect to all proposals to extend Federal power to the point of endeavoring to control or regulate production. Time and time again production has been held to be a domestic question. Congress in its effort to enact legislation along this line has not met with complete success.

There is no delegation of Federal power in this legislation, no attempt to delegate Federal power to any of the States. The purpose of the bill is simply to give congressional consent to a group of States undertaking to do that which States acting separately may do. This is what the bill proposes and all it proposes. If production be a domestic question—and in my judgment it is a domestic question—there is nothing wrong in Congress giving consent to a group of affected States; that is, as in this instance, States where tobacco is produced, undertaking to exercise State influence upon a State's problem.

In all of this is involved the question of unlawful taking. I concede that if a State undertakes to deny the individual farmer the right to employ his land in such manner as he may see fit, the question of unlawful taking may be raised. This question, however, will be fought out within the States.

Be assured, Mr. Speaker, that the Congress, through the pending bill, is not undertaking in anywise to delegate any Federal power to any State. Congress might do for the wheat section what it is undertaking to do for the tobacco section; that is, give consent to wheat States to enter into State compacts to perform purely a State function.

Mr. LEHLBACH. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield.

Mr. LEHLBACH. Is the proposition before the House that of giving consent to a compact the provisions of which have already been drawn and agreed to, or are we being asked to give consent to a compact to be negotiated in the future along broad lines laid down in the Virginia Tobacco Act?

Mr. COX. I may say to the gentleman that there is nothing unusual in granting consent to the formation of State compacts. This is the usual and customary manner in which the grants are made. I do not think Congress should withhold consent until a compact is formed. I do not want to see Federal power brought to play upon the question of a compact. I want that to be a voluntary act on the part of the interested States.

[Here the gavel fell.]

Mr. MOTT. Mr. Speaker, I ask unanimous consent that the gentleman may be granted 5 additional minutes.

The SPEAKER. That cannot be done. The time is under the control of the gentleman from North Carolina and the gentleman from Massachusetts.

Mr. CLARK of North Carolina. Mr. Speaker, I yield the remainder of my time, 4 minutes, to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Speaker, when this matter was presented to the Rules Committee we felt there was an emergency, in view of the immediately approaching tobacco planting season. Secondly, we felt that the State primarily interested in this commodity, which is different from other commodities, were entitled to enter into these compacts if they saw fit and that the Federal Government should grant its consent. We felt that each State—and I am a believer in States' rights—was entitled to determine for itself what was for the best interests of the inhabitants of that State; and we felt that when these four great States concerned with flue-cured tobacco agreed to a compact that the Congress was doing its duty in agreeing to the compact.

Questions have been raised as to the constitutionality of this bill, that under the provisions of the Constitution the claim being that the States must first enter into the compact before Congress can act. I have looked into this question only slightly, but I believe the general terms of this proposed compact are sufficiently set forth in the Virginia statute to authorize the Congress to act, because the Congress knows substantially what compacts are going to be entered into. I do not believe that the Congress should insist, under the provisions of the Constitution, on knowing every minute detail with reference to an agreement between the States.

Mr. LEHLBACH. Then the gentleman thinks that in the present situation the Congress has sufficient knowledge of the nature, character, and provisions of the compacts to act?

Mr. O'CONNOR. I do.

Mr. LEHLBACH. I merely ask for information.

Mr. BANKHEAD. It seems to me, if the gentleman will allow me to say a word, that under the conditions precedent involved in this bill it is made absolutely certain what the effect and purpose of the compact will be, because it is predicated entirely, as I understand, on the fact that each of the States shall agree to the provisions of the Virginia law; so that makes it a matter of definiteness what the compact will be.

Mr. O'CONNOR. Mr. Speaker, I do not dare contend against these constitutional lawyers. The Rules Committee felt this bill presented an exceptional instance of immediate importance, and for this reason the committee reported the rule. I hope the rule will pass the House, and I hope the bill will likewise pass.

[Here the gavel fell.]



Mr. CLARK of North Carolina. Mr. Speaker, I move the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts), there were—ayes 88, noes 32.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 206, nays 88, not voting 135, as follows:

[Roll No. 57]

YEAS—206

|                |                 |                 |                |
|----------------|-----------------|-----------------|----------------|
| Ayers          | Dorsey          | Kniffin         | Robinson, Utah |
| Bankhead       | Doughton        | Kopplemann      | Robison, Ky.   |
| Barden         | Doxey           | Kramer          | Rogers, Okla.  |
| Barry          | Drewry          | Lambeth         | Russell        |
| Beiter         | Driscoll        | Lanham          | Ryan           |
| Biermann       | Driver          | Larrabee        | Sanders, Tex.  |
| Binderup       | Duffy, N. Y.    | Lee, Okla.      | Sandlin        |
| Bland          | Duncan          | Lesinski        | Schaefer       |
| Blanton        | Dunn, Pa.       | Lewis, Colo.    | Scott          |
| Bloom          | Eagle           | Lewis, Md.      | Scrugham       |
| Boland         | Eckert          | Luckey          | Sears          |
| Boylan         | Edmiston        | Lundeen         | Secrest        |
| Brown, Ga.     | Elcher          | McClellan       | Shannon        |
| Brown, Mich.   | Faddis          | McCormack       | Smith, Conn.   |
| Buchanan       | Ferguson        | McFarlane       | Smith, Va.     |
| Buck           | Fiesinger       | McGrath         | Smith, Wash.   |
| Buckler, Minn. | Fitzpatrick     | McMillan        | Smith, W. Va.  |
| Burch          | Flannagan       | McSwain         | Snyder, Pa.    |
| Burdick        | Fletcher        | Mahon           | Somers, N. Y.  |
| Caldwell       | Ford, Calif.    | Mansfield       | South          |
| Cannon, Mo.    | Ford, Miss.     | Martin, Colo.   | Spence         |
| Cartwright     | Frey            | Mason           | Stack          |
| Castellow      | Fuller          | Massingale      | Starnes        |
| Chandler       | Fulmer          | Maverick        | Stubbs         |
| Chapman        | Gambrell        | May             | Tarver         |
| Clark, N. C.   | Gasque          | Meeks           | Taylor, Colo.  |
| Cochran        | Gingery         | Miller          | Taylor, S. C.  |
| Coffee         | Goldsborough    | Mitchell, Tenn. | Terry          |
| Colden         | Gray, Ind.      | Moran           | Thom           |
| Cole, Md.      | Green           | Murdock         | Thomason       |
| Colmer         | Greenway        | Nelson          | Thompson       |
| Cooley         | Greever         | Nichols         | Tolan          |
| Cooper, Tenn.  | Griswold        | Norton          | Turner         |
| Costello       | Haines          | O'Connell       | Umstead        |
| Cox            | Hancock, N. C.  | O'Connor        | Vinson, Ga.    |
| Cravens        | Harlan          | O'Day           | Vinson, Ky.    |
| Creal          | Higgins, Mass.  | Owen            | Walter         |
| Cross, Tex.    | Hildebrandt     | Parsons         | Warren         |
| Crosser, Ohio  | Hill, Ala.      | Patman          | Weaver         |
| Crowe          | Hook            | Patterson       | Werner         |
| Cullen         | Houston         | Patton          | West           |
| Cummings       | Imhoff          | Pearson         | Whichel        |
| Curley         | Jacobsen        | Peterson, Fla.  | Whittington    |
| Daly           | Johnson, Okla.  | Peterson, Ga.   | Williams       |
| Darden         | Johnson, Tex.   | Polk            | Wilson, La.    |
| Deen           | Johnson, W. Va. | Rabaut          | Wood           |
| Delaney        | Jones           | Ramspeck        | Woodrum        |
| Dempsey        | Keller          | Randolph        | Young          |
| Dies           | Kennedy, Md.    | Rankin          | Zimmerman      |
| Dingell        | Kenney          | Reilly          | Zioncheck      |
| Dobbins        | Kerr            | Richards        |                |
| Dockweiler     | Kloeb           | Robertson       |                |

NAYS—88

|                |                |                |               |
|----------------|----------------|----------------|---------------|
| Amlie          | Dondero        | Kennedy, N. Y. | Reed, N. Y.   |
| Andresen       | Ekwall         | Kinzer         | Rich          |
| Andrew, Mass.  | Engel          | Lambertson     | Richardson    |
| Andrews, N. Y. | Englebright    | Lamneck        | Rogers, Mass. |
| Arends         | Focht          | Lehibach       | Sauthoff      |
| Ashbrook       | Gavagan        | Lord           | Seger         |
| Bacon          | Gearhart       | Ludlow         | Short         |
| Blackney       | Gehrmann       | McLeod         | Snell         |
| Bolton         | Gilchrist      | Maas           | Stefan        |
| Brewster       | Goodwin        | Main           | Stewart       |
| Burnham        | Guyer          | Mapes          | Sutphin       |
| Carlson        | Gwynne         | Marshall       | Taber         |
| Carpenter      | Halleck        | Martin, Mass.  | Taylor, Tenn. |
| Carter         | Hancock, N. Y. | Merritt, Conn. | Thurston      |
| Christianson   | Hess           | Michener       | Tobey         |
| Church         | Hoffman        | Millard        | Turpin        |
| Cole, N. Y.    | Hollister      | Mott           | Wadsworth     |
| Collins        | Holmes         | Peyser         | Wilson, Pa.   |
| Crawford       | Hope           | Pittenger      | Withrow       |
| Culkin         | Huddleston     | Plumley        | Wolcott       |
| Dirksen        | Hull           | Powers         | Wolverton     |
| Ditter         | Kahn           | Reece          | Woodruff      |

NOT VOTING—135

|           |         |                |            |
|-----------|---------|----------------|------------|
| Adair     | Berlin  | Brooks         | Carmichael |
| Allen     | Boehne  | Buckbee        | Cary       |
| Bacharach | Boileau | Buckley, N. Y. | Casey      |
| Beam      | Boykin  | Bulwinkle      | Cavichia   |
| Bell      | Brennan | Cannon, Wis.   | Celler     |

|              |                 |                |                 |
|--------------|-----------------|----------------|-----------------|
| Citron       | Gray, Pa.       | McLaughlin     | Rogers, N. H.   |
| Claiborne    | Greenwood       | McLean         | Romjue          |
| Clark, Idaho | Gregory         | McReynolds     | Sabath          |
| Connery      | Hamlin          | Maloney        | Sadowski        |
| Cooper, Ohio | Hart            | Marcantonio    | Sanders, La.    |
| Corning      | Harter          | Mead           | Schneider, Wis. |
| Crosby       | Hartley         | Merritt, N. Y. | Schuetz         |
| Crowther     | Healey          | Mitchell, Ill. | Schulte         |
| Darrow       | Hennings        | Monaghan       | Shanley         |
| Dear         | Higgins, Conn.  | Montague       | Sirovich        |
| DeRouen      | Hill, Knute     | Montet         | Sisson          |
| Dickstein    | Hill, Samuel B. | Moritz         | Steagall        |
| Dietrich     | Hobbs           | O'Brien        | Sullivan        |
| Disney       | Hoeppel         | O'Leary        | Summers, Tex.   |
| Doutrich     | Jenckes, Ind.   | Oliver         | Sweeney         |
| Duffey, Ohio | Jenkins, Ohio   | O'Malley       | Thomas          |
| Dunn, Miss.  | Kee             | O'Neal         | Tinkham         |
| Eaton        | Kelly           | Palmisano      | Tonry           |
| Ellenbogen   | Kleberg         | Parks          | Treadway        |
| Evans        | Knutson         | Perkins        | Underwood       |
| Farley       | Kocalkowski     | Pettengill     | Utterback       |
| Fenerty      | Kvale           | Pfeifer        | Wallgren        |
| Fernandez    | Lea, Calif.     | Pierce         | Wearin          |
| Fish         | Lemke           | Quinn          | Welch           |
| Gassaway     | Lucas           | Ramsay         | White           |
| Gifford      | McAndrews       | Ransley        | Wigglesworth    |
| Gildea       | McGehee         | Rayburn        | Wilcox          |
| Gillette     | McGroarty       | Reed, Ill.     | Wolfenden       |
| Granfield    | McKeough        | Risk           |                 |

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Cary (for) with Mr. Darrow (against).  
 Mr. Gregory (for) with Mr. Bacharach (against).  
 Mr. Sullivan (for) with Mr. Jenkins of Ohio (against).  
 Mr. Dunn of Mississippi (for) with Mr. Thomas (against).  
 Mr. Celler (for) with Mr. Higgins of Connecticut (against).  
 Mr. O'Brien (for) with Mr. Reed of Illinois (against).  
 Mr. Kelly (for) with Mr. Allen (against).  
 Mr. McAndrews (for) with Mr. Buckbee (against).  
 Mr. Kocalkowski (for) with Mr. Cavichia (against).  
 Mr. Schuetz (for) with Mr. Cooper of Ohio (against).  
 Mr. Adair (for) with Mr. Eaton (against).  
 Mr. Lucas (for) with Mr. Crowder (against).  
 Mr. Parks (for) with Mr. Gifford (against).  
 Mr. McReynolds (for) with Mr. McLean (against).  
 Mr. Bulwinkle (for) with Mr. Ransley (against).  
 Mr. Sabath (for) with Mr. Risk (against).  
 Mr. Evans (for) with Mr. Treadway (against).  
 Mr. Montague (for) with Mr. Wigglesworth (against).  
 Mr. Gassaway (for) with Mr. Tinkham (against).  
 Mr. Romjue (for) with Mr. Wolfenden (against).  
 Mr. Pfeiffer (for) with Mr. Hartley (against).

General pairs:

Mr. Beam with Mr. Perkins.  
 Mr. Granfield with Mr. Welch.  
 Mr. Boehne with Mr. Taylor of Tennessee.  
 Mr. Oliver with Mr. Marcantonio.  
 Mr. Greenwood with Mr. Knutson.  
 Mr. Steagall with Mr. Fish.  
 Mr. Schulte with Mr. Lemke.  
 Mr. Rayburn with Mr. Fenerty.  
 Mr. Pettengill with Mr. Doutrich.  
 Mr. Samuel B. Hill with Mr. Schneider of Wisconsin.  
 Mr. Kleberg with Mr. Boileau.  
 Mr. Mead with Mr. Kvale.  
 Mr. Fernandez with Mr. Bell.  
 Mr. O'Neal with Mr. Hamlin.  
 Mr. Boykin with Mr. Rogers of New Hampshire.  
 Mr. Carmichael with Mr. Sisson.  
 Mr. Connery with Mr. Kee.  
 Mr. Dear with Mr. McGroarty.  
 Mr. Sweeney with Mr. Utterback.  
 Mr. Maloney with Mr. Crosby.  
 Mr. Corning with Mr. Hobbs.  
 Mr. Quinn with Mr. Brennan.  
 Mr. Berlin with Mr. O'Leary.  
 Mr. Shanley with Mr. DeRouen.  
 Mr. Tonry with Mr. Duffey of Ohio.  
 Mr. Montet with Mr. Farley.  
 Mr. Summers of Texas with Mr. Claiborne.  
 Mr. Healey with Mr. Brooks.  
 Mr. O'Malley with Mr. Gildea.  
 Mr. Palmisano with Mr. Casey.  
 Mrs. Jenckes of Indiana with Mr. Buckley of New York.  
 Mr. McLaughlin with Mr. Clark of Idaho.  
 Mr. Dickstein with Mr. Wallgren.  
 Mr. Disney with Mr. Moritz.  
 Mr. Merritt of New York with Mr. Wearin.  
 Mr. Sanders of Louisiana with Mr. Ramsay.  
 Mr. Ellenbogen with Mr. Monaghan.  
 Mr. Gillette with Mr. Hart.  
 Mr. Wilcox with Mr. Sadowski.  
 Mr. Dietrich with Mr. Sirovich.  
 Mr. Hennings with Mr. Gray of Pennsylvania.  
 Mr. McKeough with Mr. Harter.  
 Mr. Lea of California with Mr. Hart.

Mr. AMLIE and Mr. WITHROW changed their vote from "yea" to "nay."

The doors were opened.

The result of the vote was announced as above recorded.



Mr. MAPES. Mr. Speaker, I desire to raise a point of order against section 7, paragraph (a), of the bill. This section is virtually an appropriation reported by the Committee on Agriculture, which committee does not have authority to report appropriations.

The rule involved, as the Speaker knows, is rule XXI, section 4, reading as follows:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A question of order on an appropriation in any such bill, joint resolution or amendment thereto may be raised at any time.

Mr. BANKHEAD. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman from Alabama.

Mr. BANKHEAD. There was some confusion in the Chamber and I could not hear entirely the statement of the gentleman. Is he making the point of order that this is an appropriation which has not been acted upon by an appropriation committee?

Mr. MAPES. Yes; it is my contention, I may say to the gentleman, that paragraph (a), section 7, is subject to a point of order.

Mr. BANKHEAD. May I call the gentleman's attention, and also the attention of the Speaker, to the fact that this is a mere reallocation of funds that have already been appropriated by the Congress?

Mr. O'CONNOR. It is not really a reallocation. It is the use of funds heretofore appropriated for this very purpose.

Mr. BANKHEAD. That is what I intended to say.

Mr. MAPES. Both of the gentlemen have admitted themselves out of court, according to the precedents, and if the Speaker has any question in regard to the matter I would like to be heard further for just a moment.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. MAPES. Section 7 (a) reads as follows:

For the purpose of administering this act the Secretary of Agriculture is hereby authorized to expend \$300,000 or so much thereof as may be necessary for that purpose out of funds appropriated by section 12 (a) of the Agricultural Adjustment Act, as amended.

Jefferson's Manual, page 397, referring to the precedents on this question, says:

The term "appropriation" in the rule means the payment of funds from the Treasury and the words "warranted and make available for expenditure for payments" are equivalent to "is hereby appropriated" and therefore not in order.

That is from a decision in the Sixty-seventh Congress, first session.

It is further stated:

The words "available until expended", making an appropriation already made for 1 year available for ensuing years, are not in order.

And again:

Language reappropriating, making available, or diverting an appropriation or a portion of that appropriation already made for one purpose to another is not in order.

And further:

A direction to a departmental officer to pay a certain sum out of unexpended balances is equivalent to an appropriation and not in order. Language authorizing the use of funds of the Shipping Board is not in order. A direction to pay out of Indian trust funds is not in order.

Mr. Speaker, I have here a decision rendered in the Seventy-third Congress. The debate was participated in by the present Speaker and the gentleman from Alabama [Mr. BANKHEAD], and the question was decided by the gentleman from Missouri, Mr. Lozier. It is an exact parallel to the case before us.

A point of order was raised by the gentleman from Maine, Mr. Beedy.

If the gentleman from Alabama and the gentleman from New York [Mr. O'CONNOR], who interrupted me, will refresh their recollections, I think they will recall this discussion

and the decision of the Chairman of the Committee of the Whole at that time.

This identical question and practically the identical language were under consideration and the Chairman of the Committee, the gentleman from Missouri, Mr. Lozier, in rendering his decision, page 989 of the RECORD, said:

Is it not the use of money that has been allocated by an appropriation act for another purpose, and is not the effect of this language to take from the Treasury, without any further appropriation, funds that the Congress has heretofore appropriated for other purposes?

This really, if anything, goes further than an appropriation, because it authorizes the Secretary of the Treasury to take these funds and to use them. Chairman Lozier went on to say:

It seems to the present occupant of the chair that there is a very wide difference between the language "authorized to be expended" and "authorized to be appropriated." Here is a proposition not to authorize an appropriation. If this were a proposal to authorize an appropriation, then some additional act of Congress would be necessary to make the authorization effective, but this language provides that—

"There is hereby authorized to be expended out of any unobligated moneys heretofore appropriated"—

While the language in this bill is—

for the purposes of administering this act, the Secretary of Agriculture is hereby authorized to expend \$300,000.

Chairman Lozier continued:

Section 4 of the bill under consideration, to which this point of order is directed, reads as follows:

"For the purpose of carrying out the provisions of this act"—

Which implies, of course, an expenditure of public funds under the provisions of this act out of the Public Treasury—

"there is hereby authorized to be expended"—

Not hereafter appropriated, but to be expended—

"under the direction of the President."

Now, what money is to be expended?

This is the language of Chairman Lozier.

Any money out of any unobligated moneys heretofore appropriated for public works.

The SPEAKER. Will the gentleman give the page of the RECORD from which he is reading?

Mr. MAPES. Page 989 of the RECORD of March 29, 1933, the first session of the Seventy-third Congress.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. MAPES. I yield to the gentleman from New York?

Mr. O'CONNOR. When I first asked the gentleman from Michigan the question, I assumed that the money appropriated under section 12 of the Agricultural Adjustment Act was for the very same purpose as the purpose proposed here. Of course, if it were not, it would be, in effect, a reallocation or a reappropriation and the gentleman would be correct. I think there were so many purposes contained in section 12, on looking at it, that the gentleman is correct.

Mr. MAPES. I thought the gentleman would reach that conclusion upon a further consideration of the point of order.

Does the Chair desire to hear me further?

The SPEAKER. The Chair is ready to rule.

The gentleman from Michigan [Mr. MAPES] makes a point of order against section 7 (a), which reads as follows:

For the purpose of administering this act the Secretary of Agriculture is hereby authorized to expend \$300,000, or so much thereof as may be necessary for that purpose, out of funds appropriated by section 12 (a) of the Agricultural Adjustment Act, as amended.

The gentleman from Michigan calls attention to clause 4 of rule XXI, which provides:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time.

The question, of course, arises as to whether or not an appropriation made by a preceding Congress or by this Congress for a particular purpose may be diverted for another purpose not contemplated at the time the appropriation was made, under the rule which the Chair has just read.



The gentleman from Michigan has read rulings which were made in the Seventy-third Congress, first session, in which it is said—

Language reappropriating, making available or diverting an appropriation or a portion of an appropriation already made for one purpose to another is not in order.

Of course, we all know that the Committee on Agriculture is not authorized under the rules to report appropriations. In the opinion of the Chair it is very clear, in a reading of the section referred to, that the language constitutes a diversion of funds heretofore made by the Congress for an entirely different purpose and, therefore, sustains the point of order of the gentleman from Michigan [Mr. MAPES] against section 7 (a).

Mr. COOLEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12037, relating to compacts and agreements among the States in which tobacco is produced, providing the control of production of, or commerce in, tobacco in such States, and for other purposes.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MITCHELL of Tennessee in the chair.

The Clerk read the title of the bill.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOPE. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. CHRISTIANSON].

Mr. CHRISTIANSON. Mr. Chairman, I have asked for this time in order that I may be able to direct a few questions to the chairman of the Committee on Agriculture. I am asking these questions for the purpose of getting such information as will enable me to vote intelligently on the bill. It is true, is it not, that under the proposed compact a limitation is to be placed by the States that are parties thereto upon the acreage which farmers within the States may devote to the raising of tobacco?

Mr. JONES. There may or may not be. That depends upon the action of the States. As far as the National Government is concerned, there would be none.

Mr. CHRISTIANSON. What provision, if any, does the bill contain that safeguards it against attack upon the ground that it is an effort by legislation to say that an individual owner may raise only so many acres of tobacco upon his land, and as such deprives him of his constitutional rights?

Mr. JONES. That raises a number of questions. The question of the reasonableness of the law, for instance, is raised, and that is a question that we do not undertake to grant anything on. This does not change that status one way or the other. If North Carolina or Georgia or South Carolina or Kentucky or Pennsylvania undertake to enact an unconstitutional law, if they undertake to enact a law which deprives a citizen of some of his rights under the Bill of Rights under the Constitution, certainly the law will fall, but it will be their funeral. We do not grant or take any power on that subject.

Mr. CHRISTIANSON. The gentleman admits, does he not, that the purpose of the proposed compact is to legalize action by the States concerned in limiting production?

Mr. JONES. We simply give our consent for the States to enact such statutes as they may legally enact, without interference on our part. We grant no powers, we withhold no powers, except as we may give our consent under the Constitution to the formation of legitimate compacts.

Mr. CHRISTIANSON. Is it not true that what the resolution attempts to do is by a mere statute to authorize States to limit the use which individuals may make of their own lands in the pursuit of their lawful occupation, which limitation would constitute the taking of property without due process of law?

Mr. JONES. As I understand the matter, we simply grant our consent to compacts along the line of the Virginia statute. Of course, we do give our consent to compacts that

may control production, but I think we confer no power upon the States to take private property without due process of law, as the gentleman well knows we could not do that.

Mr. CHRISTIANSON. If such power is not granted, then I would say that this legislation will fail to accomplish the purpose for which it is intended.

Mr. JONES. Then the gentleman should have no objection to it.

Mr. CHRISTIANSON. I am sympathetic with the purpose of this resolution, which is to enable certain States to improve the condition of their tobacco farmers. If it were proposed to do this in a proper and lawful manner, I should vote for the bill.

But if I understand the situation correctly, it is this: The State of Virginia has enacted a law which attempts by compulsory provisions to limit the number of acres a farmer may devote to tobacco. Such provisions are clearly in violation of the fourteenth amendment. Certain other States desire to pass identical laws. In order to make these laws mutually binding upon the States concerned, it is proposed that they enter into a compact—a compact to deprive their citizens of a right guaranteed by the Constitution. Congress is asked to ratify that compact.

In my opinion, the argument that if the State laws which are the subject matter of the proposed compact are invalid, the resolution ratifying the compact is pro tanto a nullity, constitutes no justification.

It might with equal force be argued that Congress is justified in passing unconstitutional statutes because, being unconstitutional, they are void, and the result of passing them is ultimately the same as if they had not been passed at all.

By ratifying this compact we are giving assent to a policy which contemplates taking away from citizens, at least until the courts can intervene, a right guaranteed by the Constitution.

I want to do all within my power to help agriculture. It is the predominate interest of my State. My own investments are almost all in farm land. I voted for the Agricultural Adjustment Act, believing at the time that it was constitutional. I voted for the Soil Conservation Act. It is with regret that I confess that I voted for the Cotton Control Act, which embodied the same principle of compulsory regimentation that this resolution seems to contemplate.

Unless it can be shown that the statutes which will be the subject matter of the proposed compact provide for voluntary assent rather than compulsion, I shall be unable to support the pending resolution.

Mr. HOPE. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. ANDRESEN].

Mr. ANDRESEN. Mr. Chairman, the purpose of this bill is to ratify an act of the Legislature of the State of Virginia, which provides that if the States of North and South Carolina and Georgia enact similar legislation, a compact is ratified between them according to the terms of the Virginia act. We are not merely giving our consent to a compact between these States, but we are at this time ratifying the act of the Legislature of the State of Virginia, which attempts to regulate and control the production of tobacco within that State and within the other States that are parties to the compact. The act of the Legislature of the State of Virginia provides for future action on the part of Congress to aid in the proper enforcement and the accomplishment of the purposes of the Virginia act. Section 4 of the Virginia act specifically provides—

That upon approval of this act, the Governor is authorized and requested to submit the same to each of the Members of Congress from the Commonwealth of Virginia, and to ask that they take prompt action to obtain the consent of Congress to the establishment of a compact as provided for in this act, and the enactment of legislation by the Congress providing for regulation of interstate and foreign commerce in tobacco in such manner as to make possible the enforcement and accomplishment of the purposes of this act.

That is a specific part of the act of the State of Virginia which we are called upon to consent to and ratify today.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. ANDRESEN. I yield.



Mr. MAY. In principle, what difference is there between the provisions of the Virginia act with reference to the regulation, production, and control of crops and the old act of this Congress known as the A. A. A.?

Mr. ANDRESEN. There is very little difference. The same purpose is sought to be accomplished in the bill before us and in the arrangements between States, so that State officials may, by legislative act, compact, and agreement, control the production, the amount of tobacco which could be produced and marketed, impose penalties for any attempt to sell over and above the allotted quota which is given to any producer within the compact area.

Mr. MAY. Then it is a regulation bill, outright?

Mr. ANDRESEN. It is no doubt a regulation bill.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. ANDRESEN. I yield.

Mr. BANKHEAD. Is it not the gentleman's construction of this matter that this act is in conformity to the principle laid down by the Supreme Court of the United States in the A. A. A. case, to wit: That if there is to be any control over this matter of production, it is not a matter of congressional sovereignty, but that it must be remitted back to the States. Is that not true?

Mr. ANDRESEN. Undoubtedly the sponsors of this legislation are proceeding on that theory.

Mr. BANKHEAD. But does not the gentleman agree that that is the spirit and letter of that decision?

Mr. ANDRESEN. That is correct. The Supreme Court said that the Federal Government or Congress had no power to regulate production and that that power was reserved to the States.

Mr. BANKHEAD. Now, is this not merely an effort, by constitutional act for the States interested in this question, to pursue a policy suggested by the decision of the Supreme Court?

Mr. ANDRESEN. I think the gentleman is correct; but in consenting to what has been done in an arrangement to perfect a compact, I believe it is our duty to see that the States proceed in a proper manner so as to have enacted constitutional legislation as the basis of the compact.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. ANDRESEN. Not just now. I am sorry. I will yield later.

I want particularly to call the attention of the committee to the Constitution of the State of Virginia. Article I of the Constitution of the State of Virginia provides:

That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact deprive or divest their posterity, namely, the enjoyment of life and liberty, with the means of acquiring and possessing property and pursuing and obtaining happiness and safety.

This provision of the constitution has been construed by the Supreme Court of the State of Virginia. I am just going to read a portion of two decisions by the supreme court of that State.

The liberty of the citizen which is guaranteed by the Constitution of the United States and of this State embraces not only the right to go where one chooses but to do such acts as he may judge best for his own interest not inconsistent with the equal rights of others, to follow such pursuits as he may deem best adapted to his faculties and will afford him the highest enjoyment, to be free in the enjoyment of all of his faculties, to be free to use them in all lawful ways, to live and work where he will, and to earn his livelihood by any lawful calling, and for that purpose to enter into and enforce all contracts which he may deem proper, necessary, and essential to successfully conduct his private concerns.

Further the court says:

The only valid authority which a State has to prohibit, regulate, or control the private business of a citizen grows out of its "police power" or power to enact laws pertaining to the public health or public safety or the public morals.

Further the supreme court of that State has said:

The legislature may not, under the guise of protecting the public interests, arbitrarily interfere with private business or impose unusual or unnecessary restrictions upon lawful occupations.

The sponsors of this legislation stated to the members of the Committee on Agriculture that the attorney general for the State of Virginia had handed down an opinion to the effect that such act was constitutional under the Constitution of the State of Virginia. I am sorry that I have not been able to secure that opinion. Otherwise I probably would not have made this point here today. However, it seems to me that it is important that we should lend a guiding hand to see that the State of Virginia and other States involved would not make the same mistake that the Congress did when it passed other acts which have been declared unconstitutional by our Supreme Court of the United States.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. ANDRESEN. I yield.

Mr. HOOK. Does the gentleman feel that this Congress made a mistake when it passed the A. A. A.?

Mr. ANDRESEN. Well, I was not in the Congress that passed the A. A. A. We are not dealing with that, because the Supreme Court has already expressed its opinion on that law, and we have to abide by the decision of the Supreme Court.

Mr. HOOK. Mr. Chairman, will the gentleman yield further?

Mr. ANDRESEN. I am sorry; I cannot yield further.

The State of Virginia and other States, if they have the right, which the Supreme Court says is a right inherent in the people of the States, to regulate the production of any agricultural commodity, then they should secure an amendment of their own State constitutions in a constitutional way, and then proceed to negotiate for a compact and secure the consent of Congress.

Mr. HOPE. Mr. Chairman, I yield 5 additional minutes to the gentleman from Minnesota.

Mr. ANDRESEN. Mr. Chairman, I yield to the gentleman from North Carolina.

Mr. UMSTEAD. I understand the gentleman to take the position that the act passed by the Legislature of the State of Virginia is unconstitutional in that State.

Mr. ANDRESEN. According to the constitution as I have read it and the decisions.

Mr. UMSTEAD. Do I understand by that that the gentleman is taking the position here in this body that he is more familiar with and better qualified to interpret the Constitution of the State of Virginia than the legislature of that State, its attorney general, and its present Governor?

Mr. ANDRESEN. The gentleman, I hope, has not received that impression, because I do not want to be misunderstood.

Mr. UMSTEAD. The gentleman knows the act was passed by the legislature, does he not?

Mr. ANDRESEN. Yes. I know, furthermore, that the act was prepared down here in the Department of Agriculture by the same men who sponsored and prepared the Agricultural Adjustment Act, and they knew it was unconstitutional at the time they presented it to us.

Mr. UMSTEAD. Does the gentleman know also that the attorney general of Virginia was in Washington and considered the entire matter; that the Governor of the State of Virginia was here and members of the senate and lower branch of the general assembly of that State?

Mr. ANDRESEN. I am not aware of that, because these gentlemen did not appear before our committee.

Mr. UMSTEAD. Does the gentleman know the Governor of the State of Virginia signed this act?

Mr. ANDRESEN. I assume he did; otherwise it would not be presented here by the gentleman from Virginia as the law of the State of Virginia.

Mr. COLE of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ANDRESEN. I yield.

Mr. COLE of Maryland. If this bill becomes law, as I understand it, the only compact which can be in effect would be one embodying a verbatim copy of the act passed by the Virginia Legislature.

Mr. ANDRESEN. That is our understanding, that it would be similar and uniform.

Mr. COLE of Maryland. No; a verbatim copy of that act.



Mr. ANDRESEN. The sponsors of the bill have stated that it must be similar and somewhat uniform. The compact itself between the States is based upon the act of the Legislature of Virginia.

Mr. COLE of Maryland. One further question, if the gentleman will permit.

Mr. ANDRESEN. Yes.

Mr. COLE of Maryland. If that be the case and the Virginia law covers interstate commerce, as the distinguished chairman of the Committee on Agriculture has said, they have avoided any reference to interstate commerce in this bill. Are we not, then, ratifying a compact in part and leaving part of it out of the act of Congress when this bill gives the impression that the entire compact is ratified?

Mr. ANDRESEN. I think the gentleman is correct.

Mr. COLE of Maryland. If this be the case, I think it is a clear violation of what is contemplated by article I, section 10, of the Constitution, which states that—

No State shall, without the consent of Congress, \* \* \* enter into an agreement or compact with another State.

I think there should be something far more specific and definite in this bill.

Mr. ANDRESEN. If it is intended that we are ratifying the compact upon the act of the Legislature of the State of Virginia, and we have eliminated the other provisions from the bill which is up for consideration, then we are only ratifying in part, although the general terms of the bill before us would indicate a ratification of the entire compact.

Just one other thing along this line. The act of the Virginia Legislature provides for additional legislation on the part of Congress in order to regulate interstate commerce.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. ANDRESEN. I yield.

Mr. VINSON of Kentucky. The gentleman refers to section 4 of the Virginia act.

Mr. ANDRESEN. Yes.

Mr. VINSON of Kentucky. They call upon their representatives in this act to obtain the consent of Congress to the establishment of a compact as provided for by this act. This is one thing they ask.

Mr. ANDRESEN. Yes.

Mr. VINSON of Kentucky. The other part is a distinct matter, the enactment of legislation by the Congress providing for regulation of interstate and foreign commerce in such manner as to make possible the accomplishment of the purposes of this act. The bill under discussion, H. R. 12037, deals with the compact end of their request but has nothing whatever to do with the regulation of interstate commerce. Is the gentleman in accord with me on this statement?

[Here the gavel fell.]

Mr. HOPE. Mr. Chairman, I yield 5 additional minutes to the gentleman from Minnesota.

Mr. ANDRESEN. I am in accord with it. I would like to state further along this line that apparently the sponsors of this legislation contemplate necessity for further action on the part of Congress in the regulation of interstate commerce so that this compact may be of some value.

Mr. VINSON of Kentucky. That may be true. The gentleman will remember that in the bill immediately preceding this one, sections 3 and 4 referred to interstate commerce, but that was stricken and is not in the pending bill.

Mr. ANDRESEN. I am sorry; I cannot yield further. Let me conclude my statement.

Mr. VINSON of Kentucky. I know the gentleman does not want to use the word "ratification" in connection with his statement when the word "ratification" is not in the Constitution.

Mr. ANDRESEN. Answering the gentleman I will say that we are giving carte-blanc ratification to the act of the Legislature of the State of Virginia which is the basis of the compact.

Nothing will come back to us in the future for consideration as far as this compact is concerned.

Mr. VINSON of Kentucky. The language is that no State shall, without the consent of Congress, enter into an agree-

ment or compact with any other State. We are simply giving the consent of the Congress to enter into such compacts.

Mr. ANDRESEN. All such compacts would have to come back for ratification, but in this particular instance we are making an exception to the general rule by ratifying a compact in advance without any knowledge on our part of what the final compact will be, because of the fact that the tobacco commission is given power to set up rules and regulations to control production according to the general provisions of the act. They are given the power to assess penalties when a farmer produces more or attempts to sell more than his allotment. He may sell this overproduction by paying a tax of from 25 to 50 percent of the value of the commodity; and if he fails to pay this tax and secure his marketing certificate, he may be assessed a penalty of three times the value of the tobacco which he has sold, and in addition to that the tobacco may be confiscated.

Mr. MAY. Will the gentleman yield?

Mr. ANDRESEN. I yield to the gentleman from Kentucky.

Mr. MAY. Is it not a fact that what we are actually doing here is ratifying a statute of the State of Virginia? Does not the word "compact" imply an agreement between two or more States?

Mr. ANDRESEN. There should be no misunderstanding about that.

Mr. MOTT. Will the gentleman yield?

Mr. ANDRESEN. I yield to the gentleman from Oregon.

Mr. MOTT. The gentleman from Minnesota stated a moment ago that the Virginia Tobacco Control Act was written down here in the Federal Department of Agriculture and handed to the Virginia Legislature for enactment. This seemed to surprise some gentlemen. Is it not a fact that in doing this the Department of Agriculture has simply followed a custom that has existed for the last 2 or 3 years of the Federal departments dictating the legislative programs of all the States of the Union wherever they could?

Mr. ANDRESEN. I have only been here for the last 12 or 14 months. I do not know what the custom was before that except what I read in the newspapers.

Mr. COLE of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ANDRESEN. I yield to the gentleman from Maryland.

Mr. COLE of Maryland. I suggest the gentleman insert the Virginia statute as a part of his remarks, so that we may know what it is.

Mr. ANDRESEN. I certainly would like to accommodate the gentleman, but I would rather have that done by one of the gentlemen sponsoring the bill.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. ANDRESEN. I yield to the gentleman from Alabama.

Mr. HUDDLESTON. We are legislating here with reference to an act that does not appear in the committee's report and is not contained in the hearings.

Mr. ANDRESEN. I think it is in the hearings.

Mr. HUDDLESTON. No; it is not in the hearings. There is a bill purporting to have been introduced in the South Carolina Legislature included in the hearings, but the Virginia act is not in the hearings at all.

Mr. COOLEY. Will the gentleman yield?

Mr. ANDRESEN. I yield to the gentleman from North Carolina.

Mr. COOLEY. I understand the South Carolina act, which is in the record of the hearings, is essentially identical to the Virginia act. At the time of the hearings before the committee, copies of both acts were handed to the reporter, but for some reason the Virginia act was misplaced and did not get in the record. It is available to any Member, however.

Mr. ANDRESEN. It would appear that we are being called upon to ratify something that most Members of Congress have not had an opportunity to study. I do not object to States entering into compacts, but when they do so the compact agreements should be in harmony with the respective State constitutions in order to avoid unfavorable decisions of the courts and damage to producers.

[Here the gavel fell.]



Mr. COOLEY. Mr. Chairman, I ask unanimous consent to have printed in the RECORD at this point copy of the Virginia act, referred to in H. R. 12037, so that all Members of the House may have an opportunity to apprise themselves of the State law.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Virginia act referred to is as follows:

HOUSE BILL NO. 546

(Committee substitute for House bill No. 348)

A bill to provide for the supervision and regulation of the sale, marketing, and distribution of tobacco; to create a tobacco commission and provide for local tobacco committeemen and other agencies and employees, and to define and to provide for their functions, duties, and powers; to provide for the appointment, suspension, removal, compensation, costs, and expenses of said commission, and of committeemen, agencies, and employees thereof; to provide for the raising of funds for the administration of this act and for the disposition of the revenue hereunder; to provide a fund to compensate tobacco growers for crop failures and losses from fire; to impose penalties for violation of this act and to provide for the establishment of a compact and agreement between the Commonwealth of Virginia and certain other States for the purpose of regulating and controlling commerce in tobacco in and between the Commonwealth of Virginia and each of such States

SECTION 1. Whereas the production and distribution of tobacco is an industry upon which, to a large extent, the prosperity and well-being of the people of the Commonwealth of Virginia depends; and the well-being of the producers of tobacco depends upon the maintenance of a purchasing power for tobacco comparable with the purchasing power of other commodities and, unless such purchasing power is maintained, the reduced power of tobacco producers to purchase industrial products seriously impairs the assets supporting the credit structure of the Commonwealth and local political subdivisions thereof; and

Whereas prior to the recent regulation of the marketing and sale of tobacco by the Agricultural Adjustment Administration of the United States, pursuant to an act recently adjudged invalid, there grew up and were carried on unfair, unjust, destructive, and demoralizing trade practices in the production, sale, and distribution of tobacco in the Commonwealth which tended to prevent the maintenance of a continuous and stable supply of tobacco adequate to meet the demand, and constituted a menace to the general welfare and prosperity of the inhabitants of the Commonwealth; and

Whereas the invalidation of said act of Congress and the discontinuation of regulation of the marketing and sale of tobacco presents a serious threat to the well-being of the tobacco growers of Virginia and other tobacco-growing States; and

Whereas weather and diseases affecting the growing of tobacco and losses from fire make it desirable to protect farmers whose tobacco crops are affected adversely thereby; and

Whereas in order to protect the well-being of the people of the Commonwealth of Virginia, and to promote the public welfare and general prosperity of the State, the production, sale, and distribution of tobacco in the Commonwealth of Virginia, is hereby declared to be a business affected with a public interest which should be supervised and regulated in the exercise of the police power of the Commonwealth in the manner hereinafter provided: Now, therefore,

Be it enacted by the General Assembly of Virginia, as follows:

SEC. 2. As used in this act, unless otherwise stated or unless the context or subject matter clearly indicates otherwise,

"Person" means any individual, partnership, joint-stock company, corporation, or association.

"Commission" means the Virginia Tobacco Commission created by this act, or if the context so indicates any tobacco commission created by a similar act of another State.

"Director" means the director of the agricultural extension service of the Commonwealth of Virginia, or a member of his staff, or, if the context so indicates, the director or a member of the staff of the agricultural extension service of any other State.

"Secretary" means the Secretary of Agriculture of the United States.

"Similar act" means an act of another State containing provisions substantially the same as this act with respect to the following matters:

(a) The creation of a tobacco commission; provided, however, that the number of members thereof and their qualifications shall be discretionary with the legislature of each compacting State.

(b) The authority of the said commission so created (1) to meet and cooperate with the tobacco commissions of other compacting States and make the determinations and issue the regulations as provided in section 9 of this act; (2) to establish marketing quotas for farms as provided in section 11, subsection (a) and section 12 of this act; (3) to issue marketing certificates and resale certificates and to sell marketing certificates for tobacco exceeding farm quotas as provided in sections 14 and 25 of this act; and (5) to investigate and cause prosecutions for violations of this act as provided in subsection (d) of said section 14.

(c) Forbidding violations of this act as provided in section 18 hereof, and prescribing the forfeiture and penalties therefor as provided in sections 19 and 20 of this act, the duties to enforce

and the remedies for enforcement provided in sections 22 and 23 hereof.

(d) Requiring the furnishing of information and the filing of returns as provided in section 21 of this act.

(e) The authorization of the compact as provided in section 26 of this act.

"Kind of tobacco" means one or more types of tobacco as classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as listed below according to the name or names by which known.

Types 11, 12, 13, and 14, known as flue-cured tobacco.

Type 31, known as burley tobacco.

Types 21, 22, 23, 24, 35, 36, and 37, known as fire-cured and dark air-cured tobacco.

"Crop year" means the period May 1 to April 30, inclusive.

"Marketing certificate" means a certificate issued to a buyer, at the request of a producer, in conformity with the rules and regulations of the commission, certifying that such buyer is entitled to buy and receive delivery of the quantity and kind of tobacco therein specified, produced from the farm therein designated.

"Marketing quota" when referring to a State means the number of pounds of a kind of tobacco for which marketing certificates may be issued in the State without charge for such certificates; when referring to a farm means the number of pounds of a kind of tobacco produced on a farm for which marketing certificates may be issued without charge for such certificates.

"Tobacco base" means that number of pounds of tobacco assigned to any farm and used as the basis for calculating the marketing quota for the farm.

"Base tobacco production" means that number of pounds of tobacco heretofore determined for a farm in connection with the tobacco-adjustment program under the Agricultural Adjustment Act of the United States, and referred to as such in such program.

"Surplus tobacco" means the quantity of tobacco produced by a farm in any year in excess of the marketing quota for said farm for such year.

"Buyer" or "handler" means the person who buys tobacco from the producer thereof, or who sells tobacco for the producer thereof, and pays the producer for such tobacco, or who redies or otherwise processes tobacco for the producer thereof prior to the sale of such tobacco.

"Dealer" means any person who buys and resells tobacco prior to the redrying or other processing thereof.

"Producer" means any person who has the right during any year to sell or to receive a share of the proceeds derived from the sales of tobacco produced by him or on land owned or leased by him.

"Operator" means person engaged as owner-operator or as cash-rent, standing-rent, or share-rent tenant in the operation of a farm; that is, any tract or tracts of land operated as a unit with the same machinery and other equipment (on which tobacco is produced), and may include a sharecropper who operates a farm if the owner-operator or tenant does not provide for the obtaining of marketing certificates with respect to the tobacco crop of the farm.

Section 3. (a) There is hereby created an agency and instrumentality of the State Government a commission to be known as the "Virginia Tobacco Commission." The commission shall consist of not less than three nor more than seven members to be appointed by the Governor for a term of 1 year. A majority of the members of the commission shall be "producers" and one member shall be the "director", as defined in section 2 of this act. The Governor shall designate the chairman of the commission. A majority of the members shall constitute a quorum. The Governor shall appoint the members of the commission at the time this act becomes effective as hereinafter provided, or as soon thereafter as practicable. Vacancies on the commission shall be filled by appointment by the Governor. Members of the commission may be removed by the Governor at his pleasure and the vacancy thus created filled as above provided. Each member of the commission not already in the employment of the State shall be paid the sum of \$10 for each day actually spent in the performance of his official duties, and all members shall be reimbursed for necessary travel expenses and subsistence not exceeding \$5 per day.

(b) This act shall not become effective unless and until the Congress of the United States shall pass an act consenting to the establishment of compacts such as are authorized by this act; and thereafter this act shall become effective with respect to flue-cured tobacco upon the enactment of a similar act by the Legislatures of the States of North Carolina, South Carolina, and Georgia, and shall become effective with respect to burley tobacco upon the enactment of a similar act by the Legislatures of the States of North Carolina, Kentucky, and Tennessee, and shall become effective with respect to fire-cured and dark air-cured tobacco upon the enactment of a similar act by the Legislatures of the States of Kentucky and Tennessee: *Provided, however,* That with respect to flue-cured tobacco this act shall become effective, for the 1936 crop year only, upon the enactment of a similar act by North Carolina and South Carolina if and when the Governor shall find as a fact and proclaim that, in his opinion, effective means have been adopted to regulate, by agreement or otherwise, the marketing and sale of such kind of tobacco in Georgia substantially in accord with the general quota and marketing provisions of this act: *And provided further,* With respect to burley tobacco this act shall be in effect for the crop year 1936 if similar acts are enacted for said crop year on or before July 1, 1936, by the States of Kentucky and Tennessee: *And provided further,* That this act shall not become effective for the 1936 crop year with respect to any kind of tobacco unless this act and a similar act of each of the other States with respect to such kind, or in lieu of a similar act, an effective agree-



ment or other regulatory means with respect to Georgia, as provided above, shall be enacted or entered into prior to July 1, 1936.

(c) The enactment of this act and of similar acts by any of the aforesaid States, or by other States, shall constitute the basis for a compact between the Commonwealth of Virginia and such States, if the consent of the Congress be given to such a compact.

Sec. 4. Upon the approval of this act, the Governor is authorized and requested to submit the same immediately to each of the Members of Congress from the Commonwealth of Virginia and to ask that they take prompt action to obtain the consent of the Congress to the establishment of a compact as provided for by this act, and the enactment of legislation by the Congress providing for regulation of interstate and foreign commerce in tobacco in such manner as to make possible the enforcement and accomplishment of the purposes of this act.

Sec. 5. When this act becomes effective with respect to any one or more of the kinds of tobacco as hereinbefore provided, the Governor is authorized and directed to enter into a compact with the Governors of all of the States required for the compact for said kind or kinds of tobacco as herein provided, which enacts a similar act, such compact to be in accordance with the provisions of section 26 of this act.

Sec. 6. In the event that this act does not become effective for the crop year 1936 as to any kind of tobacco, it shall be effective for the crop year 1937 as to such kind of tobacco, if similar acts are enacted by the necessary States prior to May 1, 1937, and thereupon the State quotas pertaining to such kind of tobacco shall be determined within 30 days from such effective date.

Sec. 7. The Governor is authorized and directed: (a) To suspend the enforcement and effectiveness of this act in any crop year (1) with respect to flue-cured tobacco whenever he shall find as a fact and proclaim that acts similar to this act are not in effect in either North Carolina, South Carolina, or Georgia by reason of legislative repeal or by reason of an injunction issued by any court of competent jurisdiction, and (2) with respect to burley tobacco whenever he shall find as a fact and proclaim that acts similar to this act are not in effect in North Carolina, Kentucky, and Tennessee by reason of legislative repeal or by reason of an injunction issued by any court of competent jurisdiction, and (3) with respect to fire-cured and dark air-cured tobacco whenever he shall find as a fact and proclaim that acts similar to this act are not in effect in Kentucky and Tennessee by reason of legislative repeal or by reason of an injunction issued by any court of competent jurisdiction.

(b) To reinstate the enforcement of this act with respect to any kind of tobacco for any crop year following any period of suspension with respect to such kind of tobacco pursuant to paragraph (a) of this section, whenever the Governor shall determine and proclaim not later than January 1 next preceding the beginning of the crop year that the reason for suspension of enforcement of this act with respect to such kind of tobacco no longer exists, and upon the issuance of such proclamation by the Governor this act shall again become effective.

Sec. 8. Notwithstanding any of the provisions of sections 3, 6, and 7, this act shall temporarily cease to be in effect with respect to any kind of tobacco whenever a proclamation is issued as hereinafter provided: Whenever, during the month of October of any year, a petition or petitions, requesting that this act become ineffective with respect to any kind of tobacco in the next succeeding crop year, shall be filed with the commission by 10 percent or more of the producers of such kind of tobacco in the State, or whenever, during the month of October of any year, the Governor requests the commission to conduct a referendum among the producers of any kind of tobacco, the commission shall thereupon conduct a referendum in which each producer of such kind of tobacco in the Commonwealth shall be entitled to cast one vote, and if, in such referendum, one-third or more of such producers in the State vote against having this act continued, the commission, prior to December 15, next following the filing of the said petition or said request of the Governor, shall so certify to the Governor, who, within 15 days after the receipt of such certification, shall proclaim such fact to the people, and this act shall, at the beginning of the next crop year after the date of such proclamation, become ineffective with respect to such kind of tobacco for such crop year; but shall be effective with respect to succeeding crop years, unless again made ineffective in accordance with or by reason of other provisions of this act, or by a new, like referendum.

Sec. 9. The commission for the State shall meet and cooperate with the commissions for other States, and any persons designated by the secretary for the purpose of making certain determinations as enumerated in paragraphs (a), (b), (c), and (d) of this section 9, and when such determinations are agreed upon by the majority of the members of the commission for this State, and a majority of the members of the commissions for other States, such determinations shall be accepted and followed in the administration of this act:

(a) To determine from calculations from available statistics of the United States Department of Agriculture the quantity of any kind of tobacco produced in the United States which will be required for world consumption during any crop year, and same shall be that quantity of such kind of tobacco produced in the United States which according to such calculations will be consumed in all countries of the world during such crop year, increased or decreased, as the case may be, by the amount which the world stocks of such kind of tobacco at the beginning of such crop

year are less than or greater than the normal stocks of such kind of tobacco.

(b) To determine a marketing quota for the State for each kind of tobacco for each crop year in which this act is in effect with respect to such kind of tobacco. Such quota shall be determined during the month of January next preceding the crop year for which it is established, except that each such marketing quota for 1936 or for any first year in which this act becomes effective as to each kind of tobacco shall be determined within 30 days after this act becomes so effective as to such kind of tobacco. Such quota for flue-cured tobacco shall be that quantity of such kind of tobacco which bears the same proportion (subject to adjustment as hereinafter provided) to the total quantity of such kind of tobacco required for world consumption (as determined pursuant to paragraph (a) of this section 9) as the production of such kind of tobacco in the State in 1935 bore to the total production of such kind of tobacco in the United States in 1935. Such quota for burley tobacco and for fire-cured and dark air-cured tobacco shall be that quantity of each such kind of tobacco which bears the same proportion (subject to adjustment as hereinafter provided) to the total quantity of each such kind of tobacco required for world consumption (as determined pursuant to paragraph (a) of this section 9) as the average production of each such kind of tobacco in the State in the years 1933, 1934, and 1935 bore to the average of the total production of each such kind of tobacco in the United States in such year. Such proportion for the State shall be subject to such adjustment as the Commission determines is necessary to correct for any abnormal conditions of production during such years and trends in production during or since such years: *Provided, however*, That no such adjustment shall be made for any year which would decrease such proportion for the Commonwealth of Virginia by more than one-fiftieth of the said proportion, or increase the proportion for the Commonwealth, or the proportion for any other State, by more than one-twentieth of the said proportion.

(c) To determine and make adjustments in the marketing quota determined pursuant to paragraph (b) of this section 9 for any kind of tobacco for any year, not exceeding 10 percent of the said quota, from time to time during the period from August 1 to December 15 of such year, if, upon study of supply and demand conditions for such kind of tobacco, the commission finds that such adjustments are required to effectuate the purpose of this act.

(d) To determine regulations with respect to the sale and marketing of tobacco and limitations of the quantities thereof, the issuance of marketing certificates and the rate of charge for marketing certificates for surplus tobacco, and in all other matters with respect to which regulations are required to be prescribed pursuant to any provision of this act and the similar acts of other States.

Sec. 10. The determinations referred to in section 9 of this act shall be recorded in writing and copies thereof shall be available to each of the members of the several commissions, and to the secretary and persons designated by him; and such determinations shall be followed in the administration of this act: *Provided*, That in the administration of this act, or in connection with regulations issued pursuant thereto, the commission shall not be required to adopt any specific wording or form in issuing regulations or other material in accordance with such determinations, but shall express the intent and purpose of such determinations.

Sec. 11. The commission is authorized and directed: (a) To establish, in accordance with section 12 of this act, tobacco-marketing quotas for each kind of tobacco for individual farms within the State for each year, the total of such quotas not to exceed in amount the marketing quota for such kind of tobacco established for the State pursuant to section 9; and to provide for the establishment of such committees of tobacco producers as the commission may find necessary to assist in the establishment of such farm quotas.

(b) To notify the operator of each farm for which a tobacco-marketing quota is established, as promptly as possible, the amount of the marketing quota for the farm; and, if any adjustment is made in the tobacco-marketing quota for any kind of tobacco for the State pursuant to paragraph (c) of section 9 of this act, to notify and inform such operator of the corresponding adjustment in the marketing quota for such farm.

(c) To supply, upon application therefor, to the operator on each farm for which a tobacco marketing quota is established, such evidence supporting the establishment of the amount of such quota, as the commission may deem proper; to keep such records as may be required under any system established by the commission with respect to sales made under marketing quotas.

(d) To provide for the conduct of such investigations and the holding of such hearings as the commission, or the chairman thereof, deems necessary in connection with the establishment of marketing quotas for farms, and to designate persons to conduct such investigations and hold such hearings in accordance with regulations prescribed by the commission.

Sec. 12. The marketing quotas to be established for farms, as provided in paragraph (a) of section 11, shall be determined as follows:

(a) For each farm for which a base tobacco production has been heretofore determined by the United States Department of Agriculture, as shown by available records and statistics of said Department, the said base production so last determined shall, after the making of such adjustments therein as shall be determined upon the recommendation of the tobacco committee and approval by the commission to be in conformity with the provisions of paragraph (c) below of this section 12, constitute a tobacco base for such farm.



(b) For each farm for which a tobacco base is not established under paragraph (a) of this section 12, and for which the operator thereon files an application, such tobacco base shall be established as shall be determined upon the recommendation of tobacco committeemen and approval of the commission to be in conformity with paragraph (c) of this section 12, provided that the total of the tobacco bases for all such farms in any year shall not exceed 2 percent of the total of the tobacco bases established for farms under paragraph (a) of this section 12, plus the tobacco bases established under this paragraph (b) in preceding years.

(c) The tobacco base established for each farm, under paragraphs (a) and (b) of this section 12, shall be fair and reasonable for such farms as compared with the tobacco bases for other farms which are similar with respect to the following: The past production of tobacco on the farm and by the operator thereof; land, labor, and equipment available for the production of tobacco; the crop-rotation practices; and the soil and other physical factors tending to affect the production of tobacco.

(d) To the tobacco base established for each farm, pursuant to paragraphs (a), (b), and (c) of this section 12, there shall be applied the percentage which the marketing quota for the State is of the total of the tobacco bases for all farms in the State and the resulting figure shall be the marketing quota for the farm.

SEC. 13. The committees of tobacco growers provided for by paragraph (a) of section 11 shall carry out the duties assigned to them under such regulations as shall be prescribed and issued by the commission, and shall be appointed by and paid from funds of the commission and shall receive compensation when actually employed not to exceed \$4 per day in the case of local committeemen, \$5 per day in the case of county committeemen, and \$3 per day, plus necessary travel expenses and subsistence not exceeding \$5 per day, in the case of State committeemen.

SEC. 14. The commission is authorized and directed: (a) Upon application therefor by any producer, as defined in section 2 hereof, to issue to the buyer or handler who purchases or handles the tobacco, marketing certificates for an amount of tobacco not exceeding the marketing quota for the farm on which said tobacco is produced, or the quantity of tobacco marketed from the crop produced on such farm, whichever is smaller: *Provided, however*, That the commission, in its discretion, may prescribe regulations permitting the transfer of such certificates from one grower to another: *And provided further*, That such regulations shall be uniform as to the same kind of tobacco in all States entering into compacts with respect to such kind.

(b) Upon application therefor by any buyer or handler, to issue marketing certificates for surplus tobacco produced on any farm. The buyer shall be charged for said certificate such sum as may be provided for under regulations of the commission. Such regulations shall prescribe a definite percentage of the gross value of the tobacco covered by said certificate as the amount to be charged for said certificate. The rate of such charge shall be uniform for each crop year as to the same kind of tobacco in all States in which such kind of tobacco is within the effective provisions of this act for such crop year. The rate of such charge shall be determined by the commission and shall be not less than 25 percent or more than 50 percent of the gross value of said surplus tobacco covered by the marketing certificate. The buyer or handler shall deduct from the price or proceeds of sale of said surplus tobacco the amount of such charge in settling with the producer, and said charge shall be deemed an assessment upon the producer for the purpose of paying the costs, charges, and expenditures provided for by this act.

(c) Upon application therefor by any tobacco dealer, to issue, in conformity with the terms and conditions prescribed by the commission, resale certificates for such purchases of tobacco by any dealer during any day as such dealer specifies will be resold prior to the redrying or processing thereof, and for which marketing certificates have been issued as provided in paragraphs (a) and (b) of this section 14, or for which resale certificates have been previously issued pursuant to this paragraph (c).

(d) To provide for the examination and checking of records and of returns filed pursuant to this act, in such manner as may be necessary to determine whether there has been compliance with or violation of this act, and in the event of noncompliance or violation, to take and request such action as may be necessary to obtain compliance with this act, or to have prosecutions instituted to impose proper penalties or fines as provided in this act in case of its violation.

(e) To appoint and to define and prescribe the duties of such officers, agents, and employees as the commission shall deem necessary for the purpose of administering this act and to fix the compensation of any officers, agents, and employees so appointed; provided that such compensation shall not be inconsistent or in conflict with any conditions with respect to the expenditure of funds granted by act of Congress to the Commonwealth of Virginia for the purpose of administering this act.

SEC. 15. The commission is further authorized: (a) To accept, deposit with the State treasurer, and authorize the expenditure of such funds as the Congress of the United States may advance or grant to the Commonwealth of Virginia for the purposes of administering this act. Such expenditures shall be in accordance with the act of Congress authorizing such advance or grant, even though not provided for by this act.

(b) To prescribe such regulations as the commission deems necessary to carry out the powers vested in the commission by the provisions of this act.

(c) To receive, through such agents as it may designate, all payments covering the sale of marketing certificates pursuant to paragraph (b) of section 14 of this act; to provide for the fixing of an adequate bond for any officer(s) responsible for receiving and disbursing any funds of the commission; and to authorize the expenditure of said funds in the manner prescribed in section 17 of this act.

SEC. 16. All receipts from the sale of marketing certificates pursuant to paragraph (b) of section 14, and all funds granted to the Commonwealth of Virginia by the Congress of the United States for the purpose of administering this act, shall be paid by the commission to the State treasurer, and shall be placed by the State treasurer in a special fund to the credit of an account to be known as the "Tobacco commission account", and the entire amount of such receipts and funds hereby is appropriated out of such tobacco commission account and shall be available to the commission until expended.

SEC. 17. Funds of the commission shall be expended in accordance with regulations prescribed by the commission for the following purposes:

First, to repay to the Treasurer of the United States any funds advanced or granted to the Commonwealth of Virginia by the Congress of the United States for the purpose of administering this act, provided the United States requires such repayment.

Second, to pay any expenses incurred in the administration of this act except salaries and expenses of court officials and other law-enforcement officers.

Third, to make payment, in accordance with regulations of the commission, to tobacco producers whose sales of tobacco, because of loss by fire or weather, or diseases affecting their tobacco crops adversely during any year, are less than the marketing quotas for their farms for such crop year. Such payments shall be at a rate per pound of such deficit, which rate shall be determined by dividing the funds available for such payments by the total number of pounds by which the sales of tobacco by all producers fell below the marketing quotas for their farms; provided such deficit is due to loss by fire or weather, or diseases affecting their crop adversely; and provided further, that such rate of payment shall in no event exceed 5 cents per pound, and that no such payments shall be made until there is established as a reserve an amount necessary to pay the expenses which the commission estimates will be incurred in the administration of this act for a period of 1 year.

SEC. 18. Upon the establishment with respect to any kind of tobacco of a State quota, and of quotas for individual farms, for any crop year, as provided in sections 9 and 12 of this act, it shall be unlawful—

(a) For any person knowingly to sell, to buy, or to redry or to condition, or otherwise process any tobacco of such kind harvested in such crop year unless marketing certificates therefor have been issued as provided in section 14 of this act.

(b) For any dealer to resell any such tobacco, prior to the redrying, conditioning, or processing thereof, except in his own name, or to resell any such tobacco except that purchased and owned by him and covered by a marketing certificate or resale certificate previously issued showing such dealer to be the purchaser of such tobacco; or to redry, condition, or process or to have redried, conditioned, or processed, prior to the resale thereof, any such tobacco covered by a resale certificate, unless such resale certificate is surrendered to the commission.

(c) For any person to offer for sale or sell any such tobacco except in the name of the owner thereof.

SEC. 19. Any person willfully selling or buying or reselling, redrying, or conditioning, or otherwise processing, tobacco of any kind harvested in any crop year for which a State quota and individual farm quotas have been established for such kind of tobacco, not covered by marketing certificates or resale certificates issued in accordance with the provisions of this act, and anyone willfully participating or aiding in the selling or buying or reselling, redrying, conditioning, or processing of any such tobacco, or any person offering for sale or selling any tobacco except in the name of the owner thereof, shall forfeit to the State a sum equal to three times the current market value of such tobacco, which forfeiture shall be recoverable in a civil suit brought by the attorney for the Commonwealth in the name of the Commonwealth of Virginia.

SEC. 20. Any person violating any provision of this act, or any regulation of the commission, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum of not less than \$10 for the first offense, and not less than \$25 for each subsequent offense.

SEC. 21. All tobacco producers, warehousemen, buyers, dealers, and other persons having information with respect to the marketing or redrying or other processing of tobacco in this State shall, from time to time, upon the written request of the commission or its duly authorized representative, furnish such information and file such return as the commission may find necessary or appropriate to the enforcement of this act. Any person willfully failing or refusing to furnish such information or to file such return, or willfully furnishing any false information or willfully filing any false return, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.

SEC. 22. The several trial justice courts and all criminal courts of record of the State are hereby vested with jurisdiction specifically to punish violations of this act, and the courts of record are vested with jurisdiction, upon application of the chairman of the commission, to enjoin and restrain any person from violating the provisions of this act or of any regulations issued pursuant hereto.

SEC. 23. Upon the request of the chairman of the commission, it shall be the duty of the several attorneys for the Commonwealth



of Virginia, in their respective counties and cities, to institute proceedings to punish for the offenses, enforce the remedies, and to collect the forfeitures provided for in this act.

SEC. 24. If any provisions of this act, or the application thereof to any person or circumstance, shall be held invalid, the validity of the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 25. In order to assure the proper coordination of the administration of this act with the administration of similar acts enacted by other States and with the acts of Congress, marketing certificates and resale certificates shall be issued by the officers administering this act in accordance with the commission's regulations with respect to tobacco marketed, redried, or otherwise processed in this State prior to the first sale thereof, or resold, even though such tobacco is produced in another State, and the receipt from sales of marketing certificates for surplus tobacco, pursuant to section 14 of this act, shall be paid to the commission of the State in which such tobacco is produced, and the officers administering this act shall cooperate with and assist the officers of any other State in obtaining such records as may be necessary to the administration of any similar act of such State. The commission shall promptly report to the commission of the State in which the tobacco was grown the issuance of any such marketing certificate therefor as is provided for in this section.

SEC. 26. The compact, as referred to in section 5 of this act, shall contain the provisions shown below, subject to such alterations or amendments as shall not be in conflict with the provisions of this act, and as shall be agreed upon from time to time by the Governors of the States which enter into such compact:

#### COMPACT

This agreement entered into this — day of —, between the State of —, by —, its Governor; the State of —, by —, its Governor; the State of —, by —, its Governor; and the State of —, by —, its Governor:

Witnesseth:

Whereas the parties hereto have each enacted State statutes providing for the regulation and control of tobacco in commerce in such States and providing a method of protecting farmers whose tobacco crops are affected adversely by weather and diseases; and Whereas it is the desire of the parties uniformly to enforce each State statute so as to accomplish the purpose for which each was enacted;

Now, therefore, the parties do hereby jointly and severally agree as follows:

(1) To cooperate with each other in establishing a State quota for each crop year for each kind of tobacco referred to in the respective State statutes with respect to which such State statutes are effective for such crop year.

(2) To cooperate with each other in formulating such regulations as will assure the uniform and effective enforcement of each of the aforesaid State statutes.

(3) Not to depart from or fail to enforce, to the best of its ability, any regulations concerning the enforcement of the State statutes, without the consent of a majority of the members of the tobacco commissions of each of the several States which is a party to this agreement.

In witness whereof the parties have hereunto set their hands the day of the year first above written.

STATE OF \_\_\_\_\_  
By \_\_\_\_\_  
Its Governor.  
STATE OF \_\_\_\_\_  
By \_\_\_\_\_  
Its Governor.  
STATE OF \_\_\_\_\_  
By \_\_\_\_\_  
Its Governor.  
STATE OF \_\_\_\_\_  
By \_\_\_\_\_  
Its Governor.

SEC. 27. In the event that any other State not named herein, in which any kind of tobacco is grown, shall enact a similar act, the Governor is authorized to enter into a like compact with the Governor of such other State if the consent of the Congress of the United States is given thereto by appropriate legislation.

SEC. 28. An emergency existing in that the tobacco farmer is threatened with serious injury, this act shall be in force from its passage, subject to the provisions contained in this act as to the effective date of compacts entered into pursuant to this act.

Mr. COOLEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MITCHELL of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 12037) relating to compacts and agreements among States in which tobacco is produced, providing for the control of production of or commerce in tobacco in such States, and for other purposes, had come to no resolution thereon.

#### EXTENSION OF REMARKS

Mr. WARREN. Mr. Speaker, I ask unanimous consent that all Members who spoke upon the rule this afternoon may have 5 legislative days in which to revise and extend their remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### THE RECORD OF THE ROOSEVELT ADMINISTRATION

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech which I made over the radio station located at Calumet, Mich.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOOK. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following address which I delivered over the radio on September 14, 1935:

The third year of the Democratic administration of President Franklin D. Roosevelt is drawing to a close and the time is rapidly approaching when the Democratic Party will submit to the people of the United States for their approval or rejection its program, its policies, its ideals, and its record. Time has moved rapidly since the date when President Roosevelt and the Democratic Party took charge of the administration of our Government in March of 1933. Many things have happened since that date, but I am sure that the American people have not forgotten the condition of our country immediately preceding March 1933.

No administration was ever faced with problems of greater magnitude. At no time in the history of our Nation was an administration faced with more serious responsibilities than that of President Roosevelt in March 1933. For 4 long years the people of America had suffered under the crushing weight of economic depression. Misery and destitution were widespread. Millions of Americans were unemployed. Hysteria and fear were gripping the hearts of many. The voices of multitudes were crying for an end to the do-nothing policies of the Hoover Republican administration. The people of America wanted leadership—they wanted a leader who would put an end to the aimless policy of drift. The American people wanted someone who would take hold of the problems of America in characteristic American fashion. They wanted a leader with resoluteness, a leader with courage and with vision—someone who realized the extent of misery and suffering and insecurity that existed among the American people; they wanted someone who was not afraid to inaugurate the program of reform necessary to recovery and necessary to the foundation of a system that would function in the interest of the common man. The American people found such a man in Franklin D. Roosevelt.

The policy of drift was ended in March of 1933. Decisive action has replaced the inaction of the Hoover administration, an inaction due to the subservience of the Republican Party to the lords of industry and the barons of finance, an inaction that asked the American people to hold still while the depression took its toll in misery and suffering. After March of 1933 we left that period in which the only attempts to combat the depression were similar to the actions of the Indian medicine man who beats his tom toms to scare away the evil spirits.

The program of the Democratic Party under the leadership of Franklin D. Roosevelt has been twofold: First, an emergency program to take care of those millions who, through no fault of their own, were out of jobs—to take care of those families whose children were denied proper food. This was the emergency program; in other words, to prevent starvation and to relieve misery—an emergency program, if you will, to save those millions of Americans who had been brought to the brink of disaster by a dozen years of Republican inaction and vaccination.

A second part of the Democratic program has been more fundamental. It is a program of reform—a program of readjustment in our economic life—a program of reform that is designed to make America a more secure place in which to live. I cannot in one afternoon discuss with you all of the various measures—emergency and reform—undertaken by the Democratic Party in the past 3 years. I may state, however, that the ideals and the philosophy underlying both parts of the program are similar and can be summed up in one statement: That the Democratic Party realizes that America can never be prosperous and that prosperity and good times can never return until the laboring man and the farmer are given security, until these two groups are given an income sufficient to maintain themselves decently—that good times can never return until the millions of Americans are given purchasing power to buy the products of industry and to keep the wheels of industry moving.

We Democrats have been criticized by our conservative Republican friends. They have ridiculed our program. I challenge them to state which of the major legislative acts of the Democratic administration they would wipe from the statute books. Do they deny today as they once did the necessity of active relief assistance on the part of the Federal Government for those who were unfortunate? They do not take this line of attack today.



No; today they are criticizing us because our emergency program has cost money. Surely it has cost money. I know of no greater Christian mission in the world than the spending of money to prevent hunger and starvation. The social ideals and the human quality of kindness must indeed be dulled in a man who counts in terms of dollars the value of giving food and clothing—giving a bare living to a family unfortunate enough to be out of a job. My friends, this has been an emergency job. If your baby were sick, if your wife or your husband or your son or daughter became critically ill and faced death without medical aid, would you count the cost in terms of money? Would you haggle as to the cost of an operation or the cost of the doctor's fees? Would you fail to secure the best of attention possible because the cost was too high? You would not. You would obtain the best that was possible for your loved ones without counting the cost in dollars and cents. When men and women are starving and children are denied the rights of childhood, the important thing to do is to act to save them. Americans will pay the bills without regret. Surely it has cost money to prevent starvation. God knows, little enough has been spent, and I, for one, cannot regret that the money has been spent in this manner.

We will be criticized by our Republican friends because of the emergency appropriation of \$4,000,000,000 of this session of Congress—an appropriation that will put the unemployed of this Nation to work. That \$4,000,000,000 is to become a part of the income of the workers of America. With it American laborers will buy goods. Their purchases will stimulate industry, and I predict that this is the last long pull up the rocky road to recovery.

Much criticism has been leveled against the Democratic Party for its measures for permanent reform. I want to warn you against the propaganda that will be used in increasing amounts for the next 18 months. You are going to be told repeatedly through the press, by the radio, from the platform, that reform was not and is not necessary. In fact you are going to be told that if it had not been for the election of President Roosevelt and the Democratic Party and the proposals of reform which they have sponsored that there would never have been a depression. That campaign of propaganda on the part of the big financiers, the banks, and the big industrialists has begun and will continue. The memory of some is indeed short. You recall March of 1933. America faced the greatest financial crisis of our history. Banks were closing on every hand. We should remember this in Michigan for our State led the way in Republican financial unsoundness. In this March of 1933 these bankers went to the newly elected President Franklin Roosevelt and begged him on their knees to do something to save the country from chaos. You know too of the decisive action of President Roosevelt in providing for the banking moratorium. His action restored confidence in the stability of the banking structure. And now since the plutocrats, the financiers, and their satellites, the industrialists of this Nation, feeling that the ground is a little more secure under their feet, are telling us that it was the election of President Roosevelt and the Democratic Party that caused all the trouble in the first place. I warn you against this propaganda. When you are told that there was and is no need for reform, ask the Republican gentlemen just which of the reform measures they would repeal. Ask these men just what they would do to take care of the millions of unemployed. Ask them what they would do to provide for the economic security of the American people.

Would these gentlemen repeal the Home Owners' Loan Act, an act that has refinanced mortgages on 889,000 homes; an act that has saved a million families from being thrown out in the street? Would they repeal the Farm Credit Act, that has saved the farms of a million farmers from mortgage foreclosure?

Do our Republican friends want us to abandon the C. C. C. camps and the program of conservation of our natural resources? Do they want to tear down the work the Democratic Party has done in building up our forests, and do they want to kill the program of soil conservation? Do they want to throw back into the streets of our cities the thousands of young men now taken care of in C. C. C. camps? Evidently they do, for they complain of the cost of these programs and they vote against their establishment.

Would the Republicans repeal the Social Security Act—this the greatest act ever passed by any legislature in American history? The Democrats have insisted that society has a definite obligation to take care of the old people, the crippled and orphaned children, the blind, and others who through no fault of their own are deprived of a means of livelihood. The Republicans may quarrel with the Democratic idea and proposal that there shall be insurance against unemployment. The Democratic Party will continue to maintain that the workingman shall be taken care of; that he shall not be forced to suffer because of the rugged individualism of profit-seeking employers. The workingman has a right to earn a living. Society has an obligation to provide him with an opportunity to have a job, and the employers of labor in this Nation have the highest obligation under God to furnish that employment. It has been the aim and the purpose of the Democratic administration to make the employers of labor in this Nation recognize that obligation.

The Roosevelt Democratic administration has enacted the Wagner labor bill giving, for the first time in American history, protection to the laborer in his right to organize. The Federal Government for the first time in history has gone on record as standing behind organized labor and the right of labor to organize. This bill is the magna carta of labor. It is a typically Democratic measure.

We have passed the Guffey coal bill to protect the laborer in the coal mines and to stabilize this industry. We have passed the Railroad Retirement Act for the benefit of the railroad workers. I ask the Republicans, Would you repeal these acts? The Republicans may be willing to do so, but I am sure that the people of America are not willing to abandon these milestones on the road to security.

We have enacted a new program of taxation that places the burden of taxation on those able to pay—a tax program designed to correct the evils of the great concentration of wealth and to make America again a land of equal opportunity for all. The Republicans may well oppose this bill and this principle. Their party has been always the representative of property and privilege. I stand by the principles of the Democratic Party, which places human rights above those of property.

There are other acts and other achievements of the Democratic Party of equal importance with those which I have mentioned. I repeat my challenge to the Republicans—which ones of these would you repeal? These acts are not perfect; we do not claim that they are. But I submit that we have made a beginning; we have established principles; and when time and experience show us where the weak spots are, show us where there is need for change and amendment, those changes and amendments will be made. Let me caution you, however, that it is your duty as citizens interested in the welfare of this Nation to elect men to your Congress and to the Presidency who are in sympathy with this program. I have faith in the American people. I know that you men and women realize the importance in the President's program and that in November of next year you will go to the polls and reelect Roosevelt and the Democratic Congress by majorities greater than those in 1932.

President Roosevelt's program has been gigantic. Necessarily it had to be, for the problems faced were gigantic. Numerous new agencies of Government have been established and old ones expanded. Many of these come close to your daily life. All of them affect the welfare of the people directly. All too often, I am sorry to say, the direction of these agencies has fallen into the hands of men and women who are unsympathetic with the spirit and the ideals of the program. It is my contention that no program can succeed when the men who have charge of it are out of sympathy with its ideals. If the relief organization has not served its purpose in your community, if the E. R. A. has double-crossed you, and failed to give justice to the people of our Nation, it is not because the E. R. A. was wrong in principle or in purpose—it has been simply because individuals not in sympathy with the program have had charge of its administration. There is only one remedy for this evil, and I am insisting, I have insisted in the past, and I shall insist in the future, that all programs sponsored by the Democratic Party and the Roosevelt administration shall be administered by men and women who are in sympathy with the ideals of our great leader, and not by someone whose only purpose and desire is to discredit President Roosevelt and the Democratic Party.

It stands to reason that the Home Owners' Loan Corporation cannot succeed if the directors of the Corporation want to wreck it. The Forest Service cannot function in the interest of the people if its supervisors and administrators do not agree with the principles of President Roosevelt. The Farm Credit Administration will fail, the Federal Housing will fail, the Resettlement Administration will fail, rural rehabilitation will fail, the National Reemployment Service, the Public Works Administration will fail, the Works Progress Administration will fail, they will all fail if administered by men and women who want them to fail. I am not talking politics. I am simply talking common sense. You wouldn't trust any enterprise of yours to a man who disagreed with your purposes, or to a man who distrusted your ideas, or to a man who wanted you to fail. Neither can the Democratic program succeed so long as rock-ribbed Republicans are supervising and directing its agencies. I as Congressman of this district have made it a part of my duty to insist that this evil be taken care of. I want you as my constituents interested in the success of the Democratic program to keep me informed on instances of sabotage. Let me know who the wreckers of the program are and I shall do my best to see that changes are made.

#### THE ROOSEVELT ADMINISTRATION—ITS HERITAGE, ITS ACTS, AND ITS FUTURE

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record and to include therein two short statistical tables.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHANLEY. Mr. Speaker, the Nation was out of focus in 1932-33, panting on a political sick-bed. The daily, yes, hourly, imperceptible loss of employment by millions of men in 1922-1933 with the resultant shut down of factories, the damming up of purchasing power, the overwhelming fear that seemed to throttle every avenue of commercial progress, and the growing hysteria in banking circles, all pointed to a well-recognized diagnosis of maladjustment.

Not only in the financial centers but in the rural areas panic seized the millions. Incipient revolution got a toe-



hold and foreclosure sales were halted; a judge was dragged from his bench; milk was dumped; a holiday for farmers was declared; an embargo on wheat was instituted; highways were picketed—all betokening an irately-awakened rural and urban electorate apprehensive with a vague instinct of fear lest the widening disparity between agriculture and industry and attendant evils should ruin them all. Maddened mobs crowded the city streets, milling about banks in huge metropolitan centers, beseeching the return of their hard-earned savings while others less in numbers stayed at home with their fortunes lost and irretrievable in the stock crashes.

The plodding, earnest, daily consumer went his toiling way unable to understand why he should have so little and others should have so much. He could not fathom the cause in the equally widening gulf between the investing classes, who had so much, and the consuming groups, who had so little.

The same average man stood still in his factory yard as he pondered in the sorrow of his lost job as to what had happened to the work that a few short months before seemed endless. Some day he was to learn as the story unfolded itself of inroads on man-hours by machinery and the gigantic waste that haphazard business practices had caused in their unfortunate duplication of productive facilities; the ever-present urge for new machinery and the scrapping of still workable equipment. The equally causal efforts in the wide expansion and speculative efforts to increase and then increase beyond all reasonable bases other than the urge for profits and more profits were blamable factors also.

With such a state of threatening chaos there could be no planning. Instead individualism ran wild, the laws of supply and demand and the laissez-faire policy of the day precipitated its unthinking victims into the yawning chasm of business paralysis. There they sat in the Adullam's cave of 1932 awaiting the efforts of the incoming administration.

That awaited day saw the preceding evening close with the threat of the closing of every bank in the United States, a fear which was an accomplished fact on March 4, 1933. Was the cause post-World War inflation, our hoarding practices, or was it in the basic defects of the system itself? Some critics saw it due to the almost 100 percent increase in outstanding credit floated upon a gossamer structure in a Florida land boom, a stock-market saturnalia, others stressed the introduction of installment payments, an unwise system of loans to foreign nations who used the money to construct factories in competition with our own, a vicious tariff system, or inherent defect in the credit structure itself.

Inherently within the banking system itself there were those who sensed the structural weakness in management and policy. The rush of nondescripts in many sections of the Nation, who aspired to bank control flooded the seats of the financial mighty with incompetents who knew no more about banking than a speculator in Argentine wheat knows about marginal production in that country. Under such control banking policies drifted into most unwise hands. Further defects in capital resources left its toll, though this was entirely due to unwise State laws of incorporation and management. Perhaps in the controllable policy line few causes were so productive of harm as the flight into investment speculations.

This caused an about face or even a no face at all to previous rules of safety and caution. With sanity to the winds, enraptured only by the high profits available, this type of speculative banker embarked upon long-term investments on a quicksand structure, the very first weakness of which was that every depositor had a right to demand the return of cash at any moment. Obviously, with the funds themselves locked up with the time lock of long-term investment, trouble was possible.

Dumping credit repercussions in Europe not only stagnated the foreign goods markets but upset the refunding plan of the World War Debt Commission and killed the efforts of the Young and Dawes plans overnight. Was the banking situation serious?

In other fields, terror seized all and the evils cried out for correction. Duplication of transportation facilities and terminals, all colored the future of the railroad and even in public-utility fields there were recognizable cancers that needed eradication.

In the home, the mortgage fears took on a dramatic dress that outdid all of the old melodramas. With over 2,000,000 applications for relief and an extension of aid that totals over 5,000,000,000, these figures tell a story that needs no emphasis. Farm relief was equally pitiful, with perhaps greater misery and suffering because of isolation and the failure of States to help as was possible in the urban centers, where greater administrative perfectibility made access to relief comparatively easier.

Cities, despite their greater organization, witnessed labor troubles in sweatshops and child-labor rackets; frightful losses of man-hours in the seemingly hopeless struggle with machines; brutal and unfair competition; price discrimination; and the absence of planned policy.

Under such terrifying conditions there were two fundamental courses; one was to allow the depression to run itself out, if that was possible, or to rush the instrumentalities of Federal aid to the solution of the problem. Certainly, in the assistance rendered to home industries under the tariff programs of prior Republican administrations there had been witnessed the previous necessity of recourse to Federal resuscitation. As a matter of fact there were those who even intimated that it was this very artificial tariff stimulus that had opened the lid on the casket containing the evils of Pandora. But, like the sailors who heeded Admiral Dewey's injunction not to shoot while the poor lads were dying, these equally magnanimous critics withhold their causticity and reserved their fire on the tariff and its evils.

Two decades ago Walter Lippmann, now the featured commentator in the New York Tribune, penned this paragraph in his Preface to Politics:

Social life has nothing whatever to fear from group interests so long as it doesn't try to play the ostrich in regard to them. So the burden of national crises is squarely upon the dominant classes who fight so foolishly against the emergent ones. That is what precipitates violence, that is what renders social cooperation impossible, that is what makes catastrophes the method of change.

The wisest rulers see this. They know that the responsibility for insurrections rests in the last analysis upon the unimaginative greed and endless stupidity of the dominant classes. There is something pathetic in the blindness of powerful people when they face a social crisis. Fighting viciously every readjustment which a nation demands, they make their own overthrow inevitable. It is they who turn opposing interests into a class war. Confronted with the deep insurgency of labor, what do capitalists and their spokesmen do? They resist every demand, submit only after a struggle, and prepare a condition of war to the death. When far-sighted men appear in the ruling classes—men who recognize the need of a civilized answer to this increasing restlessness—the rich and powerful treat them to a scorn and a hatred that are incredibly bitter.

That comment of Mr. Lippmann was delivered in a political vacuum. Today we find this statement in the United States News, a powerful and conservative medium of expression, pointing out weaknesses in the old system in a kindred but illuminating phase. It begins the study with an opinion of Sir Arthur Willert, who "used to be the Washington correspondent of the London Times and who has lately been making a tour of America." He told David Lawrence, owner and editorial writer of the United States News, that he believed the main reason why England had come through the depression during the last 30 years was that it had met successfully the demand for social-justice programs, whereas America has delayed giving them attention, and is now confronted with reform in the midst of recovery.

Mr. Lawrence comments under his byline "There is much merit in what this distinguished visitor says. For in truth social reform in America has been delayed." Here is the brilliant high priest of the conservative opposition admitting this; he, the most trenchant and caustic of the opposition to our President. He gives two reasons for this failure; one is the debility of party leadership, which is the same as saying that we have no real party government, and the other is



the failure of leaders to speak the truth and not utter political platitudes. Correctives are possible here.

Another learned critic, Mr. Russell Owen, has this to say about England's handling of social legislation:

It is true that what President Roosevelt calls social-security measures have long been in effect in Britain. The Conservatives have accepted them, and the social services, together, absorb nearly one-third of the British national budget. In social legislation the New Deal involves merely an attempt to catch up with Britain by improvising in an emergency some of the social services which she has taken a generation to build up.

On the other hand, the American conservatives who cite Britain as a model seem to have overlooked her vast program of housing and slum clearance, financed partly by the Government; her Coal Reorganization Act; the scheme to control textile production; the state supervision of farm marketing and international trade; the publicly supported social services; the general acceptance of trade unions, and Britain's unorthodox monetary policy. They seem to forget that, as the Midland Bank's review put it, "The Government has accepted a large measure of direct responsibility for the trend of business", through numerous measures of control and subsidies to agriculture and trade; and that the recovery is largely due to actions taken by the Government, all acts which are anathema to New Deal critics.

Britain has no New Deal, because, as regards social legislation, she has already done what it seeks to do.

From 1906 until 1933 there was but one Democratic administration sandwiched in literally between the brackets of Republican control and what control on both sides of the almost three decades. That single Democratic administration for 8 years found itself as a neutral in the most gigantic of world wars, only to later see itself caught in the tide of the engulfing eddies; yet in its short history prior to the war this lone Democratic administration set out with higher ideals and actually carried through to conclusion more social legislation of the English type than the whole remaining or prior periods of Republican stand-pattism up to the Roosevelt regime in 1933.

Briefly, the Republican Party had the fullest opportunity to develop this needed social program, but it did not heed the age's needs. During all those brimming years of superfluity and seemingly vaulting prosperity they acted as described by Walter Lippmann. Prophets are notoriously without honor in any country; and if the distinguished political writer was at all amusingly cynical, he must have enjoyed the aftermath of Republican dilemma.

When the depression did hit us with the full force of a whirlwind that unexpectedly swept "around the corner" that the friends of President Hoover had set out as the right-angled entrance for prosperity, that President's administration was so flabbergasted and stunned by its enormity that for the first 2 years it pursued an aggravating waiting policy in budgetary matters especially. It was felt that the depression would end within a few months; but by the middle of the fiscal year of 1932 the administration requested Congress to enact a program of drastic reductions in expenditures on the one hand, and of comprehensive additional taxation, including the imposition of a manufacturer's sales tax, on the other. Back of these suggestions was the feeling that the restoration of the budgetary balance would restore and instill confidence among businessmen and would spur commercial activity. If that was not done, they felt that the failure to restore the balance would kill governmental credit. Paradoxically and in a most left-handed manner with all this Budget-balancing talk the administration offered a plan for the extension of loans to private financial institutions.

We know that Congress acquiesced in the Reconstruction Finance Corporation activities but bolted on the Budget balancing, for in its surer sense of popular want it felt that relief was vitally necessary. Backed by this progressive bloc they won the day and even inserted the progressive type of taxation in direct contravention of the President's wishes for a manufacturer's tax. It was a sorry and humiliating spectacle for the administration. When action was the real need of the hour they still held on to the cherished fetishes of decades ago, literally awaiting a "break", which came, but as a compound fracture in the body politic.

It must never be forgotten that in the summer of 1932 there had been a revival in the shape of a rise in gold prices

and some increase in business. The settlement of reparations at Lausanne had done much to help, and there was renewed hope that the debt settlement would in addition reduce the economic barriers to trade, encourage a disarmament agreement, effect a restoration of international confidence and investment resumption. But the Hoover regime was unable to see its way clear to capitalize on these spurring aids. Coma drugged the efforts of the White House and a paralysis seized the sinews of Government. Money left the country and Federal credit hit a new low. Nothing but herculean measures could stay further paralysis, if even that was possible.

The great concentration of power and control in such groups as the sugar, steel oil, and other basic industries was holding the whip hand over legislative puppets. These trained seals looked back and only veered from the perpendicular line of dictation to see if they were still on the perpendicular. What was, was right and would be so seemingly forever. As a matter of fact they never even thought of the future so content were they with that roseate present.

In a period in which the conquest of the wilderness of America was a realization and the even greater problem the absorption of alien races seemed possible no one had time to speculate or prepare for the greatest of all problems, the protection of the masses against the colossal octopuses in the form of trusts who were sweeping everything out of their way in their pursuit of manifest destiny. They were heading for the fall, and it came in 1932-33.

Who would save us and how?

Who was to blame for this debacle in the midst of plenty?

Well, for over 30 years we have heard nothing but the slogan of the party that was only fit to rule and whose permanence in our political system seemed a divine necessity. Then came the realization that the blind forces of nature, and the very resources of the country, coupled with a virginal extension of frontiers, made rapid progress a certainty in spite of political parties. What was needed and what was wanting was direction. In the realm of practical politics which according to one writer was the systematic organization of hatred, there could be no outlook that was not essentially tied to vote-getting schemes. Politicians had not learned to think in a vacuum. Worse still, the men with self-possession who could stand alone never entered politics. The dominant Republican Party was, therefore, deficient in men and foresight, to its shame.

The Republican Party, big, powerful, and well-organized, could stifle every outburst of independence. District after district was content with a condition of things that they did not understand. Fictitious activity waltzed around in political dress masquerading as genuine achievement. George Bernard Shaw's oft-quoted statement that "the famous Constitution survives only because whenever any corner of it gets into the way of the accumulating dollar it is pettishly knocked off and thrown away" was all too true. The Roman legions of solidly entrenched corporations were holding the citadels of political prominence in direct violation of the most fundamental rule of political theory as expressed by Lord Acton:

People who pay wages ought not to be the political masters of those who earn them for whom misgovernment means not mortified want or stinted luxury, but want and pain and degradation.

Laws should be adapted to those who have the heaviest stake in the country.

Those were the halcyon days when the dominant political party exhorted everyone to "stay in Jericho", which meant to remain with the Republican Party. What days they were as the American electorate sat on a tinder box of political dynamite. No one thought of the morrow, analyzed the causes, or attempted to foresee the future. Cause and effect were inextricably interwoven in the presence of the Republican Party in power. Were they to be removed by an absolutely unthinkable revolution, the cause of our then prosperity would be removed and we would be in chaos.

The Republican analysis of cause and effect is as famously fatuous as that of the story of the belief of generations of



people on the Isle of St. Kilda. For years the arrival of a ship in the harbor was accompanied by an epidemic of colds in the head. All the ingenuity of the harbor people failed to fathom the connection between the ship's arrival and the presence of the cold at the same time. Finally someone thought that it might not be the ship's fault at all. When that day dawned the people looked for another reason. They found it when they remembered that the ships could only enter the harbor when a strong northeast wind was blowing. Then they laughed at their own incredulity. We have laughed at the myth of the only party fit to rule.

Nothing like that happened to us, for the overwhelming cataclysm was upon us before we stirred. In a brilliant piece of satire, yet only too true, it was said of Lord Liverpool what might well have been said of the Republican administrations that forgot the lessons they should have learned from Theodore Roosevelt. If we substitute the Republican Party for the name of Lord Liverpool we can catch the subtle irony. Substitute American names for the English ones also.

Lord Liverpool (the Republican Party) governed England (America) in the greatest crisis of the war, and for 12 troubled years of peace, chosen not by the nation but by the owners of the land. The English (American) gentry were well content with an order of things by which for a century and a quarter (almost three decades) they had enjoyed so much prosperity and power. Desiring no change they wished for no ideas. They sympathized with the complacent respectability of Lord Liverpool's character and knew how to value the safe sterility of his mind. He distanced statesmen like Grenville, Wellesley, and Canning, not in spite of his inferiority but by reason of it. His mediocrity was his merit. The secret of his policy was that he had none. For 6 years his administration outdid the Holy Alliance. For 5 years it led the liberal movement throughout the world. The Prime Minister hardly knew the difference.

Obviously other changes in the ideas expressed must be made, but the picture above of a complacent administration, or series of administrations, enjoying the windfalls of a virgin nation emerging from a war that had prostrated two dozen other sovereignties is too much like the parallel case of the English Prime Minister to miss. In neither case did either one attempt to study the causes and provide for the future. In both instances disaster only uncovered the hypocrites.

In another quotation we have the remarks of Senator Smoot defending the World War Debt Commission's recommendation by the contrasts in the position of American workmen and that of the foreign nations. He points out that—

The American workman, well nourished, well fed, well clothed, his children in college, with all the wonderful opportunities staring him in the face, with present and future advancements and educational opportunities; the presence of movies, automobiles, country week ends.

all expect the two chickens in the pot and a car in every garage as well as the elimination of the poorhouse.

But the distinguished Senator and leader did more than this. He introduced tables to startle us now as we look back and saw what America was. I have unanimous consent to put these tables in at this point for your inspection and study. I am quoting from page 601 of the World War debt report. Senator Smoot talking:

I ask Senators to follow me now while I give the comparative pre-war wealth of Italy, France, the United Kingdom, and the United States, with the wealth of those countries in 1925. The several currencies are converted into dollars at par value of the pre-war period. The figures for 1925 are converted into dollars according to the average quotation of the several currencies on New York during the first half of 1925:

[All figures in billions]

|                     | Middle 1914 |        | Middle 1925 |        |
|---------------------|-------------|--------|-------------|--------|
|                     | Wealth      | Income | Wealth      | Income |
| Italy.....          | 21.4        | 3.76   | 22.3        | 4.06   |
| France.....         | 57.9        | 7.24   | 51.6        | 7.74   |
| United Kingdom..... | 68.1        | 10.95  | 117.8       | 19.00  |
| United States.....  | 200.0       | 33.00  | 380.0       | 70.00  |

Before the war the economic resources of the United Kingdom were, roughly, one-third of those of the United States; those of France, one-fourth; those of Italy, one-tenth. In 1925 the economic resources of the United Kingdom were less than one-third

of the United States; those of France were reduced to one-eighth and those of Italy to about one-seventeenth.

If you reduce the 1925 dollars to the pre-war dollars and divide them by an index number representing the increase in wholesale prices which has occurred in the United States, we find that while the wealth and income have increased in the United States by 20 and 34 percent, respectively, and in the United Kingdom by 9 and 10 percent, they have, on the other hand, very considerably decreased in Italy and France. The wealth of Italy in the middle of 1925, calculated on this basis, was about 34 percent less than in 1914, and the income of Italy showed a decrease of about 32 percent.

It is perhaps more striking to take the average per-capita wealth and income of the several countries for the two periods. I ask unanimous consent to insert in the Record a table making these comparisons, calculated in dollars.

Average per-capita wealth and income (in dollars)

|                     | Middle 1914 |        | Middle 1925 |        |
|---------------------|-------------|--------|-------------|--------|
|                     | Wealth      | Income | Wealth      | Income |
| Italy.....          | 0.596       | 105    | 0.553       | 101    |
| France.....         | 1.455       | 182    | 1.306       | 196    |
| United Kingdom..... | 1.471       | 237    | 2.600       | 419    |
| United States.....  | 2.040       | 337    | 3.333       | 614    |

Was this the El Dorado? Well, look at the following quotation from the same source on page 604 depicting the income taxes and showing how a little foresight might have developed a sinking fund for the future:

| Income       | Income taxes |         |         |         |               |
|--------------|--------------|---------|---------|---------|---------------|
|              | Italy        | Belgium | France  | England | United States |
| \$1,000..... | \$189.21     | \$29.15 | \$48.99 | 0       | 0             |
| \$2,000..... | 392.18       | 107.70  | 174.55  | \$67.50 | 0             |
| \$3,000..... | 599.30       | 238.45  | 348.00  | 202.50  | \$7.50        |
| \$4,000..... | 812.18       | 413.35  | 569.40  | 382.50  | 22.50         |
| \$5,000..... | 1,025.06     | 619.90  | 838.75  | 787.50  | 37.50         |

That contract shows the Nation in the days of the "golden fleece." Wealth stifled thought and planning.

With these reasons, therefore, social reform has been delayed, and the inevitable consequences of such delay have poured in like a swollen mountain stream to uproot the gains of ages. No more pitiful and disillusionary panorama existed in the world than the scenes of desolation and heart-rending grief in the very homes of American citizens, pitiful far more relatively than in any other country because the descent into trouble had been more hasty and quicker and so seemingly far away.

Our system, reaching the point of deification almost overnight, because the triumph of the mock heroic and the all-certain tendency of our American institutions to elevate the masses of people to increase their part in the work and the fruit of civilization in comfort, and education in self-respect and independence was abruptly halted and seemingly there was nothing to do but await a political manna.

In that general decay the fundamental principles that property should escape insecurity and labor should be independent, with protection of the rich against envy and the poor against oppression, were jettisoned in the mad scramble of individualism for personal gains. Individualism in the raw presented a sorry spectacle.

The year of 1933, in March, presented the new President with an avalanche of problems. What he did and how he did it is history.

President Franklin D. Roosevelt, who in emergency proved himself resolute, excusably peremptory, and prompt to be obeyed, made ample use of the credit and other available resources of this country to stem the tide. He expanded the efforts of the Reconstruction Finance Corporation—a President Hoover device. Up to the end of the last fiscal period the debt was pushed upward to \$10,000,000. A parade of the means and instrumentalities in that gigantic peace-time organization which outdid any prior effort is needless with the enlightenment of American people today except to touch on the expenditures in round numbers.



Seven billion dollars have been spent for relief and public works and four billion through the Reconstruction Finance Corporation itself to private corporations, groups, and public units, as well as those that occupy a place intermediate between a private corporation and a public institution.

There was a resultant increase in purchasing power of the consuming public and a greater market demand for commodities. It may be well said that the consequent increases were greater than the amount spent to set them in motion. Did not industry move forward with orders, and did not labor profit in shortened hours and higher wages?

It would be difficult to say that the one billion loaned to the banking structure, and to the systems of transportation, the same round numbers to such sustaining units as building and loan, mortgage, and kindred institutions, another one thousand million or more to the administrative units of cities, towns, States, and to the Home Owners' Loan Corporation, and to similar enterprises, and finally the one billion in purchased bank stocks—were not helpful in averting the impending confusion and business anarchy.

All of these emergency measures included the shoring of the weakening framework of our banking houses. Today these loans are recoverable so that in the strictest sense the heroic measures of the Roosevelt administration were not only palliatives but they continued within themselves restoratives, which when intermingled with the focal points of the disease itself not only neutralized the microbes but gave new and invigorating values.

These restoratives gave confidence too and engendered enthusiasm and in that alone the prescriptions were worthwhile. America turned from fears and incubuses to tackle with enthusiasm the new era. It is easy now to laugh at the hippodrome-appearing efforts but you cannot keep down enthusiasm. Emerson said, "Nothing great was ever achieved without enthusiasm."

With all the beneficent results attendant from those huge loans and investments, private business took on a new lease, but like a convalescent patient irritated by the sick-room routine and the necessary convalescent aids it has begun to fight back and show an ugly return for the helping hand that pulled it out of the difficulty.

We know that local units never could have undertaken the necessary steps for this recuperation. Because of Federal aid there has been little or no relative increase in the State debts. Despite the added load the Federal credit has remained unimpaired and the colossal success that attended the last offering of the Treasury indicates that the Federal credit is better now than at any time in our history.

#### THE FUTURE

With recovery in motion it would be the height of folly for us to hope to continue this unnatural and extraordinary spending and lending by the Federal Government. Most of all would this tend to throw out the progress of industry itself, which is apparently on the way up, and all other things being equal ought to be near the point of full restoration. If we grant that our tremendous loans and expenditures did stimulate private business in an artificial way, we must face the possibility that it might overplay its part and result in an unnatural inflation or room bonanza that would be utterly inconsistent with the forces of economy and present growth.

For that we must be on our guard and curtail the efforts that will lead to unwarranted expansive propensities. Seemingly we must reduce our expenditures and by that very fact take up the slack in added immediate taxation, as the former must be a gradual procedure.

Obviously any tax that will hit at the root of speculative funds or even idle uneconomic veins will act as a deterrent. In a large sense the Presidential message is an attempt to tap a hidden vein. It may prove helpful in this sense in bringing to the surface the funds that have hitherto allegedly been used to evade taxation.

Certainly the added need for taxation involved in the bonus mandate from Congress and the Triple A, change may temporarily halt the application of the brakes, but this retardation can only be momentary. Those brakes must be applied.

In this difficult field of taxation our problems will arise more trenchant with difficulties than any prior ones. Anyone can spend; the few alone can save. From time immemorial the spenders have been better organized than the taxpayers. The biggest problems of the Nation today center around judicious taxation and equally judicious but restrained withdrawal of public Federal aid.

The gains in social reform which have been made with imperishable renown by our President and the administration must be consolidated. Further advances must await the clearing up of the back areas. In the consolidation the temporary replenishment of confidence and rest to a bewildered people who must look with grateful, even though startled, eyes at the success of the most daring innovator in American history.

The President has done in the executive field what John Marshall did in the judicial. Has he, too, carved out a new empire?

No matter what one may think about the New Deal, it must be admitted that the administration met the challenge that industry through the dominant party should have met. The best proof of this is in the recent utterance of Alfred P. Sloan, Jr., president of the General Motors Corporation:

Added responsibilities must be assumed by industry. Industry must assume the role of enlightened industrial statesmanship. It can no longer confine its responsibilities to the mere physical production and distribution of goods and services. It must aggressively move forward and attune its thinking and its policies toward advancing the interests of the community at large, from which it receives a most valuable franchise.

Most assuredly the gains in social reform which have been made with imperishable renown by our President and the administration must be consolidated. Further advances must await the clearing up of the back areas. In the consolidation the temporary replenishment of confidence and rest to a bewildered people, who must look with grateful even though startled eyes at the success of the most daring innovator in English history, must be maintained.

#### INCOME TAXES

If the returns in this avenue of revenue are unexpectedly large, it might be well for us to consider changes in the percentages of income that we are deriving from pure income, customs, and excises, the three major sources, and all the other minor modes. The generalizations that will be drawn from our tax reports are well worth the time and attention of this body. Our whole taxing policy may well be changed on the outcome of this study.

#### THE CONSTITUTION

Social legislation must go on, however, and we must cover the ground that 30 years of purblind inactivity of the Republican standpatters left behind as a solitary waste in the field of political action and theory. With the emergency happily past, the return to the absolute theory of the separation of powers becomes not a simple duty but a paramount one. I am not one of those who believes that the Constitution of these United States is a sacrosanct instrument of divinely inspired wisdom, around which we should plant the taboos of conservatism. Our Constitution is as good as its response to the times and needs of the day we live in at all times. Through over a century and a half of growth and the most vexatious of questions it has proved admirably sufficient with the exception of the Civil War. It has survived the most severe of all tests, practicability and adaptability, but that adaptability was not inherently found in the document itself, but through the expanding interpretations of the immortal John Marshall. We cannot blind ourselves to the fact that the judicial veto was not in the minds of the Constitutional Convention as we see it, but that it was a development that circumstances and John Marshall dictated.

However much I try personally to ask myself about article VI, section 2, where we note: "This Constitution and the laws of the United States made in pursuance thereto shall be the supreme law of the land", I cannot avoid the conclusion that someone was to have the decision as to what laws were within the Constitution and what were not, unless we assume that there was an oversight. If the latter was true, then we have



all the more reason to say that since our founders overlooked this need for a reviewing body, we ought to accept the principle which over a century of practice and precept has proved to be right. Only the Supreme Court is the arbiter, call it judicial veto or not.

I believe that many of our great social reforms may well come through the amendatory features of article V, thus affording time and discussion once the emergency is over for thorough analysis. I believe that emergencies will always find enough power reposing in the Congress or Chief Executive for two reasons. One is that in the Great War emergency the courts read into the Constitution the wide type of constructive expansion in the Congress and will do so again in civil cataclysms.

Under the war powers of the Congress there were espionage acts restricting freedom of speech and press; regulations on the price of fuel and of rents within the District of Columbia; governmental operation of railroad, telegraph, and telephone systems; commandeering ships and factory products; prohibition; national highways; cemeteries, all in the broadest sense of interpretation.

It is fair to assume that if the Supreme Court were asked to pass upon the emergency acts of the President in relief, the answer would be in favor of the broad extension. There is another element that works to the advantage of the Executive and even of the Congress, and that is time. From the promulgation of the order against the elements of depression time must intervene until the Supreme Court can pass upon it. In addition, the need for such prompt and heroic action is so universally felt that it is inconceivable that an action could be started to dethrone the policy. Time and popular need of an overwhelming nature ride with the Legislature and the Chief Executive in these cases.

There are tremendously significant words in the great case of *Missouri v. Holland* (252 U. S. 435), where an equally great Supreme Court Justice, Oliver Wendell Holmes, says about the right of the Federal Government to legislate in implementation of a treaty, "Here a national interest of very nearly the first magnitude is involved. \* \* \* We see nothing in the Constitution that compels the Government to sit by while a good supply is cut off and the protectors of our forests and our crops are destroyed. It is not sufficient to rely upon the States; the reliance is vain." These are strong words for wildlife conservation. What indeed would they be for the preservation of the very lives of our citizens? Do they not sound in prophecy?

It must be remembered when those epochal cases of the New Deal were considered by the Supreme Court the pressing burdens of the immediate emergent action had happily passed and the Supreme Court was considering these energetic responses to a modern Iliad of woes in the opening rays of a new sunlight. It is a fair inference to draw that had those questions been raised in the height of the enthusiasm of the N. R. A. whirlwind acceptance by industry, labor, and the consumer with those all too vivid demonstrations of enthusiasm the decision might have been different. No one believes that the Supreme Court sits in a legal vacuum with nothing but precedents in attendance. They can no more escape the trend and thoughts, as well as the needs of the times, than they could give up the elements of life itself. It is fair to say also that the gigantic nature of the impending doom that was overcasting the entire Nation in its paralyzing clutches, as well as the tremendous and almost unanimous nature in which these Achillean efforts of the New Deal would have been most influential in forming the background for early judicial imprimaturs.

Secondly, and in a nature fittingly corollary to the first premise, the very delays that the opposite of the above conclusions would work to the advantage of the emergency itself, for if it was impossible to obtain judicial judgment at once then obviously it would take time, and certainly if time was allowed the program might well go on to a fair trial and end in success or failure. In other words, the very passage of time that must follow before a case may come before the Supreme Court works to the advantage of emergency legislation. Then, too, in this very respect there is so great a

need and welcoming a response throughout the Nation that the objectors think well before inserting their instruments of emergency sabotage.

In his admirable book on *The Growth of the Law*, Justice Benjamin N. Cardozo says in the matter of modern development of thought on the Supreme Bench:

In the complexities of modern life there is a constantly increasing need for resort by the judges to some fact-finding agency which will substitute exact knowledge of factual conditions for conjecture and impression. A study of the opinions of Mr. Justice Brandeis will prove an impressive lesson in the capacity of the law to refresh itself from extrinsic sources, and thus revitalize its growth. His opinions are replete with references to the contemporary conditions, social, industrial, and political, of the community affected.

Further on he adds:

Jurisprudence has never been able in the long run to resist successfully a social or economic need that was strong and just.

He quotes Graham Wall as—

One of the most important functions of any vocational body is the continuous revision and increase of the heritage of knowledge and thought which comes within its sphere.

#### CALENDAR WEDNESDAY

Mr. BANKHEAD. Mr. Speaker, I renew my request that business in order on tomorrow, Calendar Wednesday, be dispensed with. I may say this is agreeable to the gentleman from New York [Mr. DICKSTEIN], who objected this morning.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DIES, for 10 days, on account of business.

To Mr. FERNANDEZ, for 12 days, on account of illness in family.

To Mr. ELLENBOGEN, for 1 day, on account of illness in family.

#### SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2288. An act to provide for the measurement of vessels using the Panama Canal, and for other purposes;

S. 2496. An act to amend the Railway Labor Act;

S. 3761. An act authorizing the Secretary of the Interior to patent certain land to the town of Wamsutter, Wyo.;

S. 3860. An act to amend section 2 of the act entitled "An act to amend the National Defense Act", approved May 28, 1928; and

S. 3971. An act to extend the times for commencing and completing the construction of a bridge across the St. Lawrence River at or near Ogdensburg, N. Y.

#### ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned until tomorrow, Wednesday, April 8, 1936, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

766. A letter from the Chairman of the Interstate Commerce Commission, transmitting a report entitled "Unemployment Compensation for Transportation Employees Prepared by the Section of Labor Relations, Federal Coordinator of Transportation" containing the text of a proposed unemployment compensation act which the Coordinator recommends be enacted; to the Committee on Interstate and Foreign Commerce.

767. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the legislative establishment pertaining to the Architect of the Capitol, for the fiscal year 1936, in the sum of \$55,900 (H. Doc. No. 440); to the Committee on Appropriations and ordered to be printed.



# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Special Committee to Investigate the American Retail Federation. A report by the special committee on that part of House Resolution 203 providing for the appointment of a special committee of the House to investigate the American Retail Federation (Rept. No. 2373). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALTER: Committee on the Judiciary. S. 2137. An act to provide for the appointment of one additional district judge for the eastern, northern, and western districts of Oklahoma; without amendment (Rept. No. 2375). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEAVER: Committee on the Judiciary. S. 3258. An act to amend section 304 of the Revised Statutes, as amended; without amendment (Rept. No. 2376). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEAVER: Committee on the Judiciary. S. 3781. An act limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain cases; with amendment (Rept. No. 2377). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 10762. A bill to authorize the procurement, without advertising, of certain War Department property, and for other purposes; without amendment (Rept. No. 2378). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT of New York: Committee on Military Affairs. H. R. 10847. A bill to authorize the acquisition of land for cemetery purposes in the vicinity of New York, N. Y.; without amendment (Rept. No. 2379). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 10849. A bill to authorize an appropriation for improvement of ammunition storage facilities at Aliamanu, Territory of Hawaii, and Edgewood Arsenal, Md.; without amendment (Rept. No. 2380). Referred to the Committee of the Whole House on the state of the Union.

Mr. FADDIS: Committee on Military Affairs. House Joint Resolution 532. Joint resolution for the establishment of a commission in commemoration of the seventy-fifth anniversary of the Battle of Gettysburg in 1938; with amendment (Rept. No. 2381). Referred to the Committee of the Whole House on the state of the Union.

Mr. CARTWRIGHT: Committee on Insular Affairs. H. R. 12061. A bill to authorize the President to designate an Acting High Commissioner to the Philippine Islands; without amendment (Rept. No. 2384). Referred to the Committee of the Whole House on the state of the Union.

# REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. ROGERS of Massachusetts: Committee on Foreign Affairs. H. R. 12183. A bill for the relief of Gladys Hinckley Werlich; with amendment (Rept. No. 2374). Referred to the Committee of the Whole House.

Mr. BEITER: Committee on War Claims. H. R. 6518. A bill for the relief of Mike Chetkovich; without amendment (Rept. No. 2382). Referred to the Committee of the Whole House.

Mr. FADDIS: Committee on Military Affairs. H. R. 11493. A bill for the relief of Perry Randolph; without amendment (Rept. No. 2383). Referred to the Committee of the Whole House.

# PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AYERS: A bill (H. R. 12190) providing for the suspension of annual assessment work on mining claims

held by location in the United States; to the Committee on Mines and Mining.

By Mr. BOYKIN: A bill (H. R. 12191) to provide for the general welfare, by establishing a method for permanently sustaining the primary purchasing power of the Nation, in order to sustain an effective demand for the largest production of the products of industry and agriculture; to induce employment in private enterprise; to provide employment for those unemployed in private enterprise; to provide revenue; and for other purposes; to the Committee on Ways and Means.

By Mr. Sisson: A bill (H. R. 12192) to extend the exemption from income taxes allowed to farmers' cooperative associations; to the Committee on Ways and Means.

By Mr. AYERS: A bill (H. R. 12193) to further the development of a national program of land conservation and utilization, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. BROWN of Michigan: A bill (H. R. 12194) to provide for the construction of a Coast Guard vessel designed for ice-breaking and assistance work on Lake Huron and Lake Superior; to the Committee on Merchant Marine and Fisheries.

By Mr. CRAWFORD: A bill (H. R. 12195) to encourage domestic producers of sugar beets and sugar cane and to protect the domestic production thereof by the regulation of foreign and interstate commerce in sugar; to provide for the fixing and revision of yearly quotas of sugar that may be imported into, transported to, or received in continental United States; to maintain a continuous and stable supply of sugar in continental United States for the benefit of both producers and consumers, and for other purposes; to the Committee on Agriculture.

By Mr. DUFFY of New York: A bill (H. R. 12196) to make certain crimes committed on interstate carriers offenses against the United States; to the Committee on the Judiciary.

By Mr. HARLAN: A bill (H. R. 12197) to authorize settlement for certain inequitable losses in pay sustained by officers of the commissioned services under the emergency economy legislation, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. SABATH: A bill (H. R. 12198) to exempt certain organizations from the tax imposed on retail dealers in malt liquors; to the Committee on Ways and Means.

By Mr. VINSON of Georgia: A bill (H. R. 12199) to provide for an additional number of midshipmen at the United States Naval Academy, and for other purposes; to the Committee on Naval Affairs.

By Mr. FERGUSON: A bill (H. R. 12200) to provide for a 10-year program of purchasing pasture land under authority of the Soil Conservation and Domestic Allotment Act; to the Committee on Agriculture.

By Mr. RAYBURN: A bill (H. R. 12201) conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi; to the Committee on Indian Affairs.

By Mr. CRAVENS: A bill (H. R. 12202) to provide for a preliminary examination of Six Mile Creek in Logan County, Ark., with a view to flood control and to determine the cost of such improvement; to the Committee on Flood Control.

By Mr. McCORMACK: A bill (H. R. 12203) to provide for a 5-day week for Federal employees; to the Committee on the Civil Service.

By Mr. McMILLAN: Resolution (H. Res. 480) to create a Committee on Air Commerce and Civil Aviation; to the Committee on Rules.

By Mrs. NORTON: Joint resolution (H. J. Res. 563) to declare December 26, 1936, a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

# MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Colorado, opposing the consolidation of railway ter-



minals and railways; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Colorado, advocating the "Beatty prosperity plan"; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Colorado, supporting House bill 11172; to the Committee on Immigration and Naturalization.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 12204) granting a pension to Emma Hilliker; to the Committee on Invalid Pensions.

By Mr. CANNON of Wisconsin: A bill (H. R. 12205) for the relief of Louis Frankenberg; to the Committee on Military Affairs.

By Mr. DORSEY: A bill (H. R. 12206) for the relief of James Garfield Haney; to the Committee on Naval Affairs.

By Mr. HOBBS: A bill (H. R. 12207) for the relief of E. P. Lewis; to the Committee on Claims.

Also, a bill (H. R. 12208) for the relief of the estate of S. J. Dean; to the Committee on Claims.

By Mr. LAMNECK: A bill (H. R. 12209) granting an increase of pension to Mary E. Warthen; to the Committee on Invalid Pensions.

By Mr. ROBSON of Kentucky: A bill (H. R. 12210) granting a pension to Addie Higginbotham; to the Committee on Pensions.

By Mr. THOM: A bill (H. R. 12211) granting an increase of pension to Abbie Stevens; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10686. By Mr. BACON: Petition of sundry citizens of Suffolk County, N. Y., urging the restoration of prohibition in the District of Columbia; to the Committee on the District of Columbia.

10687. Also, petition of the West Nassau Unemployed and Relief Workers Alliance, Franklin Square, New York, requesting the removal of Harold P. C. Howe as district director of the Nassau-Suffolk district of the Works Progress Administration, and urging that veterans' receipt of the adjusted compensation shall not of itself bar them from the relief rolls; to the Committee on World War Veterans' Legislation.

10688. By Mr. GOODWIN: Petition of the New York Commandery, the Naval and Military Order of the Spanish-American War, urging Congress to pass immigration and registration bills, Senate bill no. 4611 and House bill no. 11172; to the Committee on Immigration and Naturalization.

10689. By Mr. LAMBERTSON: Petition of Edith Coleman and 118 other citizens, all of Jackson County, Kans., favoring passage of House bill 8739; to the Committee on the District of Columbia.

10690. By Mr. MARTIN of Colorado: House Joint Memorial No. 1, passed by the Thirtieth General Assembly of the State of Colorado at Denver, Colo., protesting against the Eastman railway consolidation plan; to the Committee on Interstate and Foreign Commerce.

10691. Also, House Joint Memorial No. 2, passed by the Thirtieth General Assembly of the State of Colorado at Denver, Colo., urging consideration of the Beatty prosperity plan involving amendment to the Federal income-tax laws; to the Committee on Ways and Means.

10692. Also, House Joint Memorial No. 3, passed by the Thirtieth General Assembly of the State of Colorado at Denver, Colo., endorsing House bill 11172, the Starnes-Reynolds bill; to the Committee on Immigration and Naturalization.

10693. By Mr. TREADWAY: Petition of citizens of Pittsfield, Mass., urging the enactment of the workers' social and insurance bill (S. 3475); to the Committee on Ways and Means.

10694. By the SPEAKER: Petition of Helen Schrain and others; to the Committee on Immigration and Naturalization.

## SENATE

WEDNESDAY, APRIL 8, 1936

(Legislative day of Monday, Feb. 24, 1936)

#### IMPEACHMENT OF HALSTED L. RITTER

The Senate, sitting as a court for the trial of articles of impeachment against Halsted L. Ritter, judge of the United States District Court for the Southern District of Florida, met at 12 o'clock meridian, in accordance with the order adopted on the 6th instant prescribing the hours of the daily sessions.

The managers on the part of the House, Hon. HATTON W. SUMNERS, of Texas; Hon. RANDOLPH PERKINS, of New Jersey; and Hon. SAM HOBBS, of Alabama, appeared in the seats provided for them.

The respondent, Halsted L. Ritter, with his counsel, Frank P. Walsh, Esq., and Carl T. Hoffman, Esq., and R. O. Cullen, Esq., of Miami, Fla., associated with Mr. Hoffman, appeared in the seats assigned them.

The VICE PRESIDENT. The Sergeant at Arms will open by proclamation the proceedings of the Senate sitting as a Court of Impeachment.

The Sergeant at Arms made the usual proclamation.

On motion of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the Senate, sitting as a Court of Impeachment, for Tuesday, April 7, was dispensed with, and the Journal was approved.

Mr. LEWIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

|          |           |             |               |
|----------|-----------|-------------|---------------|
| Adams    | Coolidge  | Keyes       | Pittman       |
| Ashurst  | Copeland  | King        | Pope          |
| Austin   | Couzens   | La Follette | Radcliffe     |
| Bachman  | Davis     | Lewis       | Reynolds      |
| Bailey   | Dieterich | Logan       | Robinson      |
| Barbour  | Donahay   | Loneragan   | Russell       |
| Barkley  | Duffy     | Long        | Schwellenbach |
| Benson   | Fletcher  | McGill      | Sheppard      |
| Black    | Frazier   | McKellar    | Shipstead     |
| Bone     | George    | McNary      | Smith         |
| Brown    | Gerry     | Maloney     | Stelwer       |
| Bulkley  | Gibson    | Metcalf     | Thomas, Okla. |
| Bulow    | Glass     | Minton      | Thomas, Utah  |
| Burke    | Guffey    | Moore       | Townsend      |
| Byrd     | Hale      | Murphy      | Truman        |
| Byrnes   | Harrison  | Murray      | Vandenberg    |
| Capper   | Hastings  | Neely       | Van Nuys      |
| Caraway  | Hatch     | Norris      | Wagner        |
| Carey    | Hayden    | Nye         | Walsh         |
| Clark    | Holt      | O'Mahoney   | White         |
| Connally | Johnson   | Overton     |               |

Mr. LEWIS. I announce for the day that the Senator from Alabama [Mr. BANKHEAD], the Senator from Colorado [Mr. COSTIGAN], the Senator from California [Mr. McABOOL], the Senator from Nevada [Mr. McCARRAN], and the Senator from Florida [Mr. TRAMMELL] are absent because of illness; that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness in his family, and that the Senator from Mississippi [Mr. BILBO], the Senator from Oklahoma [Mr. GORE], and the Senator from Montana [Mr. WHEELER] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Iowa [Mr. DICKINSON] is necessarily absent from the Senate.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

The managers on the part of the House will call their next witness.

Mr. Manager HOBBS. Call Albert C. Fordham.

#### DIRECT EXAMINATION OF ALBERT C. FORDHAM

Albert C. Fordham, having been duly sworn, was examined and testified as follows:

By Mr. Manager HOBBS:

Q. Your name, please, sir.—A. Albert C. Fordham.

Q. Are you an attorney at law of West Palm Beach, Fla.?—A. Yes, sir.

Q. Were you present in the courtroom of Judge Halsted L. Ritter at Miami, Fla., on October 28, 1929?—A. Yes, sir.

Q. I would appreciate it, sir, if you would state, to the best of your recollection, what took place in the courtroom on that morning.—A. The counterclaim filed by Harold Moore was